

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☒ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☒ CLEAR

Date 3/17/78

FM NEW YORK (62-) (213)

~~TO DIRECTOR~~ (62-) ROUTINE~~ATLANTA~~ (62-) ROUTINE

BT

C L E A R

"AUTOMATED RECORD"

UNSUB; SHOOTING OF LARRY FLYNN, PUBLISHER, HUSTLER MAGAZINE;
 LOCAL POLICE COOPERATION.

RE TELCALL TO ATLANTA, MARCH 17, 1978.

ON MARCH 17, 1978, [REDACTED]

AMERICAN BROADCASTING COMPANY (ABC), NEW YORK, NEW YORK,
 RECEIVED AN ANONYMOUS PHONE CALL FROM UNKNOWN FEMALE WHO READ
 AN APPARENTLY PREPARED STATEMENT WHICH STATED THAT (X) FEMALES
 INTERNATIONAL REVOLUTIONARIES IN EXILE (FIRE) (X) TOOK CREDIT
 FOR THE SHOOTING OF PUBLISHER LARRY FLYNN.

CALLER STATED THAT FLYNN EXPLOITED WOMEN AS DID THE
 EDITOR [REDACTED] (PHONETIC) OF PENTHOUSE AND VIVA, AND EDITOR
 AND PUBLISHER [REDACTED] AND ASSOCIATE PUBLISHER

GALLERY MAGAZINES

1 - NEW YORK

CHC:JFC
(2)

1 - SUPERVISOR #213

Approved: [Signature]

Transmitted

(Number)

(Time)

Per [Signature]

62-15369

b6
b7c

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date _____

PAGE TWO NY 62- C L E A R

[REDACTED] WAS UNABLE TO PROVIDE DETAILS OF CALL INASMUCH AS
CALL LASTED ONLY 25 SECONDS AND WAS NOT TAPED.

NYO INDICES NEGATIVE REGARDING FIRE.

INFO BEING PROVIDED FOR INFO ONLY IN VIEW OF POSSIBILITY
THAT ADDITIONAL CALLS MAY BE RECEIVED.

OFFICIALS OF PENTHOUSE AND GALLERY ADVISED OF ABOVE.

BT

#

b6
b7c

Approved: _____ Transmitted _____ (Number) (Time) Per _____

memorandum

DATE: 3/17/78

REPLY TO
ATTN OF: SC TRINIDAD MENENDEZ #12SUBJECT: LARRY FLYNT
INFORMATION CONCERNING

TO: ADIC, NEW YORK

On instant date, [redacted] City Desk Assistant,
New York Daily News, Tel: [redacted] telephonically contacted
the NYO and advised that Reporter Telegraph Desk (tel: [redacted])
received a telephone call from an anonymous female at 2PM
stating she is responsible for shooting Larry Flynt and threatened
to [redacted] Penthouse Publisher.

b6
b7C

Caller advised she is a member of a group called
Female International Revolutionary Echelon (FIRE).

213
[redacted]
62-15369-2
SEARCHED INDEXED
SERIALIZED FILED
FBI - NEW YORK
[redacted] CHC

b6
b7C

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

★U.S. Government Printing Office: 1976-241-530/3018

OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112

April 20, 1978

Managing Editor
New York Times

Dear Sir:

During a recent visit to Houston, Texas [redacted]
[redacted] arranged for a nit on publisher
Flint, because he was "foolin around with my sister."

Kind regards.

Concerned citizen

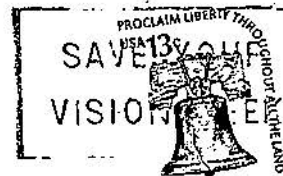
b6
b7c

42-15369-3

3

C

General Delivery
Houston, Texas
77001



New York Times
New York, N. Y.

~~77001~~

Attn: Managing Editor
Personal



EL

The New York Times

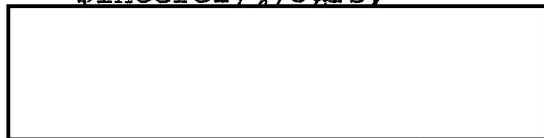
229 WEST 43 STREET
NEW YORK, N.Y. 10036

May 5, 1978

Gentlemen:

The enclosed letter was received at The Times office today, and we are passing it along to you for your information.

Sincerely yours,



Secy. Letters Office

b6
b7C

Federal Bureau of Investigation
201 East 69th Street
New York, N. Y. 10021

SS

62-15369-4

RE

6242
The New York Times

"All the News That's Fit to Print"

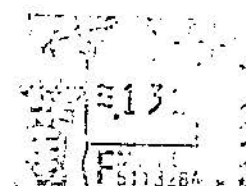
TIMES SQUARE, NEW YORK 36, N. Y.

III

III

III

III



Federal Bureau of Investigation
201 East 69th Street
New York, N. Y. 10021

12

201 East 69th Street
New York, New York 10021
May 9, 1978

[redacted]
Secretary, Letters Office
The New York Times
229 West 43rd Street
New York, New York 10036

b6
b7C

Dear [redacted]

I wish to acknowledge receipt of your letter of May 5, 1978 and its enclosure, a letter, dated April 20, 1978, addressed to the Managing Editor of the New York Times, concerning Publisher Flint, and signed a concerned citizen.

Your interest in forwarding this to me is, indeed, appreciated.

Very truly yours,

ROBERT E. KENT
Assistant Director in Charge

By: [redacted]

[redacted] sory Special Agent

b6
b7C

1-Addressee
① New York

WCZ:km
(2) fm

62-15369-5

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
MAY 9 1978	
FBI — NEW YORK	

(Mount Clipping in Space Below)

Flynt's Shooting Linked To Power Struggle

LAWRENCEVILLE, Ga., May 25 (AP)—Larry Flynt, the owner of Hustler magazine, may have been shot because of a struggle within the pornography business, by Ohio gunmen who chose Georgia so that "some redneck" would be blamed, the man in charge of the case said today.

District Attorney Bryant Huff of Gwinnett County, where the 35-year-old publisher was shot in March during a recess in his obscenity trial here, said detectives had narrowed possible motives for the shooting to four "avenues" and said they included "internal business problems within his company, business problems across the country and the role of organized crime in pornography."

Huff said he and two Gwinnett County detectives interviewed Mr. Flynt this week in Columbus, Ohio, where he is hospitalized for treatment of paralysis from the hips down from the shooting.

The district attorney said the authorities believed that no local person was involved in the shooting, and that Lawrenceville was chosen as the site so that the shooting could be blamed "on some redneck from Georgia" and the real motive obscured.

(Indicate page, name of newspaper, city and state.)

New York Times
P. A12

Date:
Edition:
Author:
Editor:
Title:

Character:
or
Classification:
Submitting Office:

☐ Being Investigated

62-15369-6

[illegible]

MARKED FOR DEATH

FLYNT DIDN'T LISTEN IN TIME WILL YOU? This is FIRE FEMALE INTERNATIONAL REVOLUTION
IN EXTERMINATE WE ARE PUTTING ON NOTICE ALL PIGS WHO MERCHANTISE WOMEN WE ARE GOING TO
EXTERMINATE THE PUBLISHERS WHO TEACH MEN TO RAPE SLASH AND STRANGLE US:

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HUSTLE

The Cincinnati
Colorful Se

Size: P
EXCLUSIVE!
boy: Photo
hows Pink

Flight
responsi
for death
of

Forbidden
of

42-15369-7

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 1. 1978	
FBI-NEW YORK	
CHC	



TIME
Time and Life Building
Rockefeller Center
New York, NY 10020

TIME

THE WEEKLY NEWSMAGAZINE

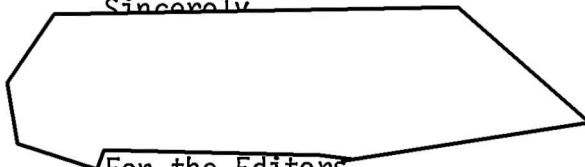
TIME & LIFE BUILDING
ROCKEFELLER CENTER
NEW YORK 20
JUDSON 6-1212

March 24, 1978

Dear Sir:

I think you may want to see this piece of
paper which was sent to TIME.

Sincerely,



For the Editors

MLC/cc

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62-15369-8

SEARCHED	INDEXED
SERIALIZED	FILED
JUL 11 1978	
FBI-NEW YORK	
che	

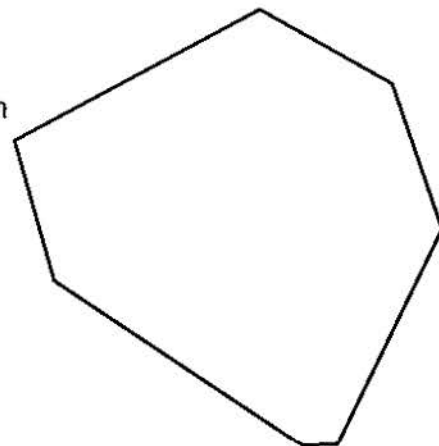
TIME

TIME & LIFE BUILDING
ROCKEFELLER CENTER
NEW YORK, N.Y. 10020



Federal Bureau of Investigation
201 East 69th Street
New York, New York

12



4-1-78
Posthouse May

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b7c

201 East 69th Street
New York, New York 10021
March 29, 1978

[redacted]
For the Editors
Time & Life Building
Rockefeller Center
New York, New York 10020

Dear [redacted]

I wish to acknowledge receipt of your letter of
March 24, 1978 and its enclosure.

Your interest in forwarding this to me is,
indeed, appreciated.

Very truly yours,

J. WALLACE LA PRADE
Associate Director in Charge

By

[redacted]
Laboratory Special Agent

1-Addressee
1-New York

WCZ:km
(2)

62-15369-9



CHC

JUL 21 1978

DIRECTOR, FBI

ADIC, NEW YORK (62-15369) (C)

UNSUB;
SHOOTING OF LARRY FLYNT, PUBLISHER
HUSTLER MAGAZINE;
LOCAL POLICE COOPERATION
(OO:NY)

ReNYtel dated 3/17/78.

NY has not been in receipt of any additional information which would indicate that FLYNT was shot by FIRE.

On 5/26/78 an article appeared in the New York Times where District Attorney [redacted] of Gwinnett County, Georgia, stated that FLYNT had been shot for one of the following reasons:

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- 1) Internal business problems of Hustler Magazine.
- 2) Problems within the pornography business across the country.
- 3) The influence of organized crime in the production and distribution of pornographic material.

[redacted] stated that Lawrenceville, Ga. was chosen as the site of the attempted assassination so that some "Red-neck from Georgia" would be blamed.

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In view of the above reasons, NY is conducting no further investigation and this case is being placed in a closed status.

2 - Bureau
1 - New York

CHC:edm
(3)

7/21/78
5

62-15369-10

1/21/78

145-2536-1

SEARCHED <u>SS</u>	INDEXED <u>SS</u>
SERIALIZED <u>SS</u>	FILED <u>SS</u>
DEC 23 1983	
FBI - LOS ANGELES	

[Redacted Box]

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FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/12/83

[redacted]
telephonically contacted the interviewing Agent through
the Cleveland, Ohio office of the Federal Bureau of
Investigation (FBI) at approximately 12:00 noon. [redacted]
was advised of the identity of the interviewing Agent.

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[redacted] advised that a phone conversation on
[redacted] between himself and the interviewing
Agent [redacted]
[redacted]
[redacted] Larry Flynt, Hustler Magazine owner,
[redacted]

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[redacted] further advised that [redacted]
[redacted]
[redacted] that Flynt [redacted]
[redacted]
Flynt again.

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Investigation on 12/11/83 at Toledo, Ohio File # Cleveland 145C-1058

by SA [redacted]:nml Date dictated 12/12/83

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x Airtel

12/19/83

TO: SAC, LOS ANGELES (145C-New)
FROM: SAC, CLEVELAND (145C-1058) (TRA) (RUC)
SUBJECT: LARRY FLYNT,
BEVERLY HILLS, CALIFORNIA;
ITOM - SEXUAL EXPLOITATION
OF CHILDREN
OO: LOS ANGELES

Re telephone call from SA [redacted] Los Angeles
Division, to SA [redacted] Cleveland Division,
12/15/83.

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Enclosed for Los Angeles Division is one copy of an
FD-302 reflecting the substance of a telephone call between
[redacted] and SA [redacted]

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On [redacted] and [redacted] telephonically
contacted SA [redacted] and advised that Larry Flynt was
[redacted]
[redacted] Flynt and [redacted]
[redacted] owned by Flynt.

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Further, [redacted] advised that [redacted]
[redacted]
[redacted] Flynt's home. [redacted] Flynt [redacted]
[redacted]

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[redacted] said [redacted] Flynt's house [redacted]
[redacted]
[redacted] Flynt's [redacted]
[redacted]

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b7D

2 - Los Angeles (Enc. 1) (RM)
1 - Cleveland
RSM:nml
(3)

11-5-15-10-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100-101-102-103-104-105-106-107-108-109-110-111-112-113-114-115-116-117-118-119-120-121-122-123-124-125-126-127-128-129-130-131-132-133-134-135-136-137-138-139-140-141-142-143-144-145-146-147-148-149-150-151-152-153-154-155-156-157-158-159-160-161-162-163-164-165-166-167-168-169-170-171-172-173-174-175-176-177-178-179-180-181-182-183-184-185-186-187-188-189-190-191-192-193-194-195-196-197-198-199-200-201-202-203-204-205-206-207-208-209-210-211-212-213-214-215-216-217-218-219-220-221-222-223-224-225-226-227-228-229-230-231-232-233-234-235-236-237-238-239-240-241-242-243-244-245-246-247-248-249-250-251-252-253-254-255-256-257-258-259-260-261-262-263-264-265-266-267-268-269-270-271-272-273-274-275-276-277-278-279-280-281-282-283-284-285-286-287-288-289-290-291-292-293-294-295-296-297-298-299-300-301-302-303-304-305-306-307-308-309-310-311-312-313-314-315-316-317-318-319-320-321-322-323-324-325-326-327-328-329-330-331-332-333-334-335-336-337-338-339-340-341-342-343-344-345-346-347-348-349-350-351-352-353-354-355-356-357-358-359-360-361-362-363-364-365-366-367-368-369-370-371-372-373-374-375-376-377-378-379-380-381-382-383-384-385-386-387-388-389-390-391-392-393-394-395-396-397-398-399-400-401-402-403-404-405-406-407-408-409-410-411-412-413-414-415-416-417-418-419-420-421-422-423-424-425-426-427-428-429-430-431-432-433-434-435-436-437-438-439-440-441-442-443-444-445-446-447-448-449-450-451-452-453-454-455-456-457-458-459-460-461-462-463-464-465-466-467-468-469-470-471-472-473-474-475-476-477-478-479-480-481-482-483-484-485-486-487-488-489-490-491-492-493-494-495-496-497-498-499-500-501-502-503-504-505-506-507-508-509-510-511-512-513-514-515-516-517-518-519-520-521-522-523-524-525-526-527-528-529-530-531-532-533-534-535-536-537-538-539-540-541-542-543-544-545-546-547-548-549-550-551-552-553-554-555-556-557-558-559-560-561-562-563-564-565-566-567-568-569-570-571-572-573-574-575-576-577-578-579-580-581-582-583-584-585-586-587-588-589-590-591-592-593-594-595-596-597-598-599-600-601-602-603-604-605-606-607-608-609-610-611-612-613-614-615-616-617-618-619-620-621-622-623-624-625-626-627-628-629-630-631-632-633-634-635-636-637-638-639-640-641-642-643-644-645-646-647-648-649-650-651-652-653-654-655-656-657-658-659-660-661-662-663-664-665-666-667-668-669-670-671-672-673-674-675-676-677-678-679-680-681-682-683-684-685-686-687-688-689-690-691-692-693-694-695-696-697-698-699-700-701-702-703-704-705-706-707-708-709-710-711-712-713-714-715-716-717-718-719-720-721-722-723-724-725-726-727-728-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 23 1983	
FBI - LOS ANGELES	

CV 145C-1058

[redacted] stated that [redacted]
[redacted]

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[redacted] also said that [redacted]
[redacted] Hustler Magazine, [redacted] Flynt's
and has [redacted] Flynt personally, in cash, for
[redacted]
[redacted] Flynt.
[redacted] Flynt.

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[redacted] advised that it might be possible for
[redacted] Flynt [redacted] Flynt's
property. He is willing to cooperate in the acquisition
of evidence concerning Flynt's production and distribution
of obscene material.

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LEADS

LOS ANGELES:

AT LOS ANGELES, CALIFORNIA.

Interview [redacted] concerning [redacted] knowledge
of Flynt's pornographic activities.

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ADMINISTRATIVE:

It is noted that [redacted]
[redacted]

Memorandum



To : SAC, LOS ANGELES (145C-2536) (OC-2) (C)

Date 2/29/84

From : SA [redacted]

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b7C

Subject : LARRY FLYNT;
ITOM - SEOC
OO: Los Angeles

For information of the file, on [redacted]
[redacted] interviewed by writer; information
supplied by [redacted] FLYNT [redacted]
[redacted] was general in nature, and not specific. The
information was not current and could not be verified
inasmuch as FLYNT was and still is in custody of the
Attorney General.

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AJR/lmi
(1) *aj*

*Done #4
JAN 27 3/1/84
OC-2*

145-2536-3

SEARCHED.....	INDEXED.....
SERIALIZED <i>pk</i>	FILED <i>pk</i>
MAR 27 1984	
FBI - LOS ANGELES	

Jan 27

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/9/84

TO: DIRECTOR, FBI
 ATTN: [REDACTED] PERSONAL CRIMES UNIT
 [REDACTED] PUBLIC CORRUPTION UNIT, CID

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b7C

FROM: SAC, WASHINGTON FIELD OFFICE (89C-NEW)

LARRY FLYNT,
 dba Flynt Publications, Inc.;
 INFORMATION CONCERNING FLYNT'S
 PLAN TO BLOW HIMSELF UP DURING
 HIS APPEARANCE BEFORE THE
 U.S. SUPREME COURT IN NOVEMBER, 1983;
 CCSCAKA (U.S. Supreme Court - All Members)
 OO:WFO

Reference WFO telcal to Bureau 3/5/84. Reference
 conference with SA [REDACTED] Narcotics Unit and
 SA [REDACTED] Personnel Crimes Unit 3/5/84.

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Enclosed for the Bureau are twelve (12) copies of
 LHM suitable for dissemination. Dissemination to outside
 agencies left to the discretion of FBIHQ.

Enclosed for Chicago are two copies of the LHM.

Enclosed for Los Angeles are four (4) copies of
 the LHM.

For the information of Los Angeles, 302 and copies
 of cassette tape follow under separate communication.

b6
b7C

- 2-Bureau (Enc. 12)
 2-Chicago (Enc. 2)
 (1 - 180-28)
 2-Los Angeles (Enc. 4)
 (1 - 245C-74)
 (1 - 180-113)
 2-Washington Field Office
 (1 - 72-274)

RJH:msw
 (8)

Approved: [Signature]

Transmitted

(Number)

(Time)

Per [Signature]

1 copy LHM to USSS, USMS, BOA
 DOJ - Security Office
 3-16-84 RDB/ELB

1 cc AT + WFO
 5/9/84

WFO 89C-NEW

The enclosed information is being forwarded to Los Angeles for information and any action deemed appropriate.

A copy of the enclosed LHM is being furnished to AUSA [REDACTED] WDC, due to his involvement in the prosecution of FLYNT.

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b7C

LEAD

WASHINGTON FIELD OFFICE

AT WASHINGTON, D.C.:

WFO will present these facts to the AUSA, WDC.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Washington, D.C.

March 9, 1984

**LARRY FLYNT;
DOING BUSINESS AS LARRY FLYNT, INC.;
INFORMATION CONCERNING FLYNT'S PLAN TO
BLOW HIMSELF UP DURING HIS APPEARANCE BEFORE
THE U.S. SUPREME COURT IN NOVEMBER, 1983**

On March 1, 1984, [redacted] voluntarily appeared at the U.S. Attorney's Office, Washington, D.C., with his attorney and furnished the following information to FBI Agents from the Washington Field Office.

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[redacted]
[redacted] Larry Flynt's trip from California to Washington, D.C. (WDC) for his appearance before the U.S. Supreme Court. When the entourage arrived in National Airport, WDC, they were met by [redacted] General Mitch Wer Bell, and Gordon Novel. He stated Wer Bell is a former OSS (World War II) Agent who was running a school in Georgia, training counterinsurgents in guerrilla warfare. He stated that Flynt gave Wer Bell a \$1,000,000.00 check to get the DeLorean video tape showing DeLorean transacting the cocaine deal for which he was arrested. He stated Wer Bell got the tape from an Agent [redacted]
[redacted]

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b7E

He stated that Flynt had asked both Gordon Novel and Mitch Wer Bell to fill the tubes of his wheel chair with C-4 plastic explosives and rig it up to a button so he could detonate himself while appearing before the U.S. Supreme Court and thereby kill himself and all the members of the court. Additionally, he requested Wer Bell and Novel to make him a "kamikaze" vest.

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

31-5101-1
7 APR 1984

LARRY FLYNT

He wanted it fashioned of C-4 and impregnated with needles so that when it detonated the needles would be propelled like fragments from a grenade. He stated both men refused and Wer Bell arranged to switch wheelchairs without Flynt's knowledge, just in case Flynt had gotten someone else to build the bomb. He stated Flynt has four (4) wheelchairs.

Subsequent to his appearance before the U.S. Supreme Court, the entourage traveled to Colorado Springs, Colorado, where Flynt met with a [redacted] and a man named

[redacted] (date of birth [redacted]
SSAN [redacted]. Flynt gave [redacted]

[redacted] Mitch Wer Bell. [redacted]
[redacted]

After Colorado Springs, they returned to WDC. At the time, Flynt had some video tapes showing various government officials having sexual activity with one Vicky Morgan. He stated Flynt called various members of the news media to his hotel room and showed them the tapes. He gave a copy of the tapes to [redacted] of ABC.

He stated he [redacted] gave a copy of a video taping showing President Reagan having sex with Vicky Morgan, to a [redacted] He stated [redacted]

[redacted] stated the tape is poor quality but the man in the film looks like President Reagan. [redacted] stated it is his opinion that the tapes are phony.

He stated that [redacted] and [redacted] were the men assigned to sell the sex tapes to the KGB. The KGB was to finance the production of 100,000 copies of the tapes for distribution throughout the U.S. and the free world. He stated that [redacted]

He stated that another [redacted] said that the sex tapes were stolen from a Jewish lawyer's office in Los Angeles by [redacted] and his crew.

[redacted] furnished the interviewing Agents with a cassette tape which contains two conversations: A) The first conversation contains an interview of Gordon Novel by [redacted] on February 27, 1984. [redacted] and Novel discuss Flynt's desire to wire up his wheelchair as a bomb and detonate it at the U.S. Supreme Court. They discuss [redacted]

LARRY FLYNT

[redacted] They identify General Mitch Wer Bell as reporting directly to a National Security Agency. They discuss a plane trip that Flynt planned to make to Russia using the same route as the Korean airliner which was shot down by the USSR. They discuss the KGB financing the production of 100,000 copies of the sex tapes.

b7D

B) The second conversation is a telephone conversation recorded by Gordon Novel on December 27, 1983, at 6:50 p.m. The conversation is between Novel and Larry Flynt, who is apparently in prison. Flynt says he sees [redacted] everyday and believes [redacted] is in prison on false charges. Flynt accuses [redacted]

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b7C

[redacted] Flynt discusses the current issue of his new magazine "Rebel" in which Flynt makes a publisher's statement about the sex tapes. Flynt says the next President will be [redacted] Flynt directs Novel to tell General Mitch Wer Bell [redacted]

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b7C

[redacted] Mitch Wer Bell as soon as he can.

[redacted] attorney, [redacted] furnished the interviewing Agents with a video cassette which was made by Flynt's people showing Flynt's arrival and departure at the U.S. Supreme Court. [redacted] stated that during Flynt's departure from the U.S. Supreme Court, the limo carrying Flynt was searched by U.S. Marshals. Two of [redacted] handguns were found in the trunk of the vehicle and he was arrested and charged with two firearms violations. [redacted] admitted that he came forward to furnish the aforementioned information in the hope it would mitigate the gun charges.

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/22/84

TO: DIRECTOR, FBI
 FROM: SAC, WASHINGTON FIELD OFFICE (89C-921)

LARRY FLYNT,
 dba Flynt Publications, Inc.;
 INFORMATION CONCERNING FLYNT'S
 PLAN TO BLOW HIMSELF UP DURING
 HIS APPEARANCE BEFORE THE
 U.S. SUPREME COURT IN
 NOVEMBER, 1983;
 CCSCAKA (U.S. SUPREME COURT -
 ALL MEMBERS);
 OO:WFO

On 3/21/84, a video tape was received via certified mail at the Washington Field Office from [REDACTED]. The tape is of extremely poor quality. The tape depicts a male and a female engaged in sexual acts but it is not possible to see the faces of the participants. The tape is being maintained in the files at WFO.

b6
 b7C

- 1cc 1042
 ② - Bureau
 2 - Los Angeles
 (1-245C-74)
 (1-180-113)
 2 - Washington Field Office
 (1-72-274)

RJH:msw

(6)

Approved: 

Transmitted

(Number)

(Time)

Per 

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/16/84

TO: DIRECTOR, FBI

FROM: SAC, WASHINGTON FIELD OFFICE (89C-921) (P)

LARRY FLYNT,
 dba Flynt Publications, Inc;
 INFORMATION CONCERNING FLYNT'S
 PLAN TO BLOW HIMSELF UP DURING
 HIS APPEARANCE BEFORE THE
 U.S. SUPREME COURT IN
 NOVEMBER, 1983;
 CCSCAKA; CAS
 OO:WFO

Re WFO airtel to Bureau, 3/9/84.

Enclosed for the Los Angeles Division are two (2)
 copies of a cassette tape and two (2) copies of an FD-302
 regarding interview of [REDACTED]

The 302's and cassette tapes contain information
 regarding the DeLorean video tapes. The cassette tape was
 furnished to the FBI by [REDACTED]

For the information of Los Angeles, AUSA [REDACTED]
 [REDACTED] Washington, D.C. (WDC), who is handling the prosecution
 of FLYNT at WDC, desires to know the results of the autopsy
 on MITCH WER BELL.

LEADLOS ANGELES DIVISIONAT LOS ANGELES, CALIFORNIA:

Will furnish results of autopsy of MITCH WER BELL.

- ② - Bureau
 2 - Los Angeles
 2 - WFO

RJH:msw
 (6)

Approved: [Signature]

Transmitted

(Number)

(Time)

Per [Signature]

b6
 b7C

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 4/27/84

TO: DIRECTOR, FBI

FROM: SAC, LOS ANGELES (89E-638) (P) (C-1/LBRA)

SUBJECT: LARRY FLYNT, dba
 Flynt Publications, Inc.,
 INFORMATION CONCERNING FLYNT'S
 PLAN TO BLOW HIMSELF UP DURING
 HIS APPEARANCE BEFORE THE
 U.S. SUPREME COURT IN
 NOVEMBER 1983;
 CCSCAKA;
 OO: Washington Field

Re Washington Field airtel to Los Angeles dated 3/16/84.

Enclosed for Washington Field is the death certificate of MITCHELL WERBELL.

A review of the Certificate of Death, number 0190-060554, will reveal that MITCHELL WERBELL died of cardiac arrest at the University of California at Los Angeles (UCLA) Medical Center on 12/16/83.

[redacted] the physician who attended to WERBELL from 12/10/83 to 12/16/83, stated the congestive heart failure was the result of chronic obstructive

- 2 - Bureau
 2 - Washington Field (89C-921) (Enc. 1)
 2 - Los Angeles

KMA/sh
 (6)

b6
 b7c

Approved: *[Signature]*

Transmitted _____

(Number)

(Time)

Per _____

LA 89E-638

pulmonary disease. Since there were no unusual or suspicious circumstances, the death was not referred to the Los Angeles County Coroner's Office.

An autopsy was however conducted at the UCLA Medical Center, 10833 Le Conte Avenue, Los Angeles, California. Inquiry with [REDACTED] Custodian of Records, UCLA Medical Center, Room BH111, has determined the results of the autopsy examination are not available for either review or dissemination absent a subpoena or written release authorization from the decedent's next of kin.

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WERBELL reported [REDACTED]
[REDACTED]

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The setting of further leads in this matter is being left to the discretion of the office of origin.

ADMINISTRATIVE:

For the information of Washington Field, all investigation concerning Washington Field's case has been completed by Los Angeles Division. However, Los Angeles has a separate opened investigation entitled, "LARRY C. FLYNT; CONSUELO M. MARSHALL, U.S. DISTRICT COURT JUDGE - VICTIM; MANUEL L. REAL, U.S. DISTRICT COURT JUDGE - VICTIM; FRANCIS MC GARR, U.S. DISTRICT COURT JUDGE, Chicago, Illinois - VICTIM; AFO; OO: Los Angeles" which is being carried under captioned Los Angeles file number.

This investigation will remain in an open status within the Los Angeles Division.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 8/2/84

TO: DIRECTOR, FBI
 ATTN: [REDACTED] PERSONAL CRIMES UNIT
 [REDACTED] PUBLIC CORRUPTION UNIT CID

FROM: SAC, WASHINGTON FIELD OFFICE (89C-921) (C)

LARRY FLYNT,
 DBA FLYNT PUBLICATIONS, INC;
 INFORMATION CONCERNING FLYNT'S
 PLAN TO BLOW HIMSELF UP DURING HIS
 APPEARANCE BEFORE THE U.S. SUPREME
 COURT IN NOVEMBER, 1983;
 CCSCAKA (U.S. SUPREME COURT - ALL MEMBERS)
 OO:WFO

Re WFO airtel to the Bureau 3/9/84.

On April 25, 1984, the facts in this case were
 presented to AUSA [REDACTED] Washington, D.C.

[REDACTED] declined prosecution of LARRY FLYNT
 noting that no crime had been committed, no overt act
 performed, and it appears to have only been idle talk.

In view of [REDACTED] opinion, no further
 investigation is being conducted by WFO. This case is
 closed.

②-Bureau
 2-Los Angeles
 (1-245C-74)
 (1-180-113)
 1-Chicago
 (180-28)
 2-Washington Field Office
 (1-89C-921)
 (1-72-274)

RJH:ldm
 (7)

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

15 SEP 1 1984

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89-5704-5

AUG 3 1984

VZCZCWFO 0047

PP HQ LA

DE WF 0047 320 0152

ZNR UUUUU

P 152321Z NOV 83

FM WASHINGTON FIELD (9A-NEW) (P)
TO DIRECTOR, FBI PRIORITY
SAC, LOS ANGELES PRIORITY
BT
UNCLAS

LARRY FLYNT; EXTORTION; OO:LA.

ON NOVEMBER 15, 1983, SA [REDACTED] WASHINGTON FIELD
OFFICE OF U.S. SECRET SERVICE, ADVISED AT APPROXIMATELY 12:25
P.M., NOVEMBER 7, 1983, A MALE WHO IDENTIFIED HIMSELF AS LARRY
FLYNT TELEPHONICALLY CONTACTED THE PUBLIC OFFICE AT THE WHITE
HOUSE. FLYNT CLAIMED HE HAD "SEX TAPES" AND MENTIONED THE NAMES
"DEAVER AND MEESE." HE STATED HE WAS PREPARED TO SHOW THE
TAPES AND THAT HIS PRICE WAS ONE BILLION DOLLARS. THE EMPLOYEE
WHO SPOKE TO THE CALLER, [REDACTED] ASK IF THE CALLER'S
NAME WAS LARRY FLYNT TO WHICH HE STATED "YES, THIS IS LARRY
FLYNT, THE EIGHTH WONDER OF THE WORLD."

b6 per FBI and USSS
b7C per FBI and USSS

11/29/83 USSS
no smart conduct
CWH. Will delete
from HQ how
for info. was
provided within WH.
PC
b6 per USSS
b7C per USSS

WFO
9A-5068

72-274-3A

b6 per FBI and USSS
b7C per FBI and USSS

PAGE TWO DE WF 0047 UNCLAS

b6 per USSS
b7B per USSS

USSS HEADQUARTERS INSTRUCTED ITS WFO TO PROVIDE INFORMATION REGARDING ABOVE DESCRIBED PHONE CALL TO THE FBI FOR INVESTIGATION OF POSSIBLE EXTORTION VIOLATION. USSS/WFO WAS ALSO INSTRUCTED TO FOLLOW ANY FBI INVESTIGATION AND OBTAIN BACKGROUND INFORMATION, IDENTIFYING DATA AND PHOTOGRAPH RE FLYNT.

INASMUCH AS WFO IS UNAWARE OF ANY INVESTIGATION RE FLYNT BEING CONDUCTED BY LA, INVESTIGATION INTO THE ABOVE MATTER IS BEING LEFT TO THE DISCRETION OF LA.

LA IS REQUESTED TO PROVIDE WFO WITH DESCRIPTIVE DATA RE FLYNT AND A PHOTOGRAPH, IF AVAILABLE, FOR DISSEMINATION TO USSS.

BT

0047

NNNN

Memorandum



To : SAC, WFO (62-0)

ATTN: SA [redacted]

Date 12/21/83

C-7

b6
b7C

From : SSA [redacted]

Subject : LARRY FLYNT;

INFORMATION CONCERNING

b6 per USSS
b7C per USSS

On 12/20/83, SA [redacted] U.S. Secret Service (USSS), b6 per USSS
Protective Intelligence, USSS, WFO, advised that the USSS had been b7C per USSS
conducting an administrative inquiry regarding subject [redacted]

b6 per USSS
b7C per USSS

b6 per USSS
b7C per USSS
b7E per USSS

[redacted] could not furnish any further details [redacted]

b6 per USSS
b7C per USSS

Writer discussed with [redacted] whether or not there had been b6 per USSS
any attempted extortion or threat surrounding the alleged furnish b7C per USSS
of the tape to [redacted] stated no threat or demand had been
a part of this alleged transaction.

①-WFO

JGB:pep (1)

b6 per USSS
b7C per USSS

72-274-27

SEARCHED	INDEXED
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FBI - WFO	

[redacted]

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b7C

WFO 62-0

On 12/21/83, writer spoke with SA [] FBI, Los Angeles, Squad OC-3, who has been handling the Larry Flynt(s) investigation in that Division. He stated there had been numerous allegations by Flynt as to the existence of video tapes allegedly showing sexual acts which may or may not involve White House officials. He stated that while these have been proferred by Flynt to the U.S. District Judge, none had been received or reviewed by the court, or by the FBI. [] stated that from his knowledge of the investigation(s), in regard to Flynt, if any such tape existed, the probability of its either being faked or illegible were very high. West stated that Flynt is currently undergoing a court order 90 day psychiatric treatment at the U.S. Hospital at Springfield, Mo.

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For information only.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1334555-1

Total Deleted Page(s) = 156

Page 11 ~ Referral/Consult;

Page 12 ~ Referral/Consult;

Page 113 ~ b5;

Page 114 ~ b5;

Page 115 ~ b5;

Page 116 ~ b5;

Page 117 ~ b5;

Page 118 ~ b5;

Page 119 ~ b5;

Page 120 ~ b5;

Page 121 ~ b5;

Page 122 ~ b5;

Page 123 ~ b5;

Page 124 ~ b5;

Page 125 ~ b5;

Page 127 ~ b5;

Page 128 ~ b5;

Page 129 ~ b5;

Page 130 ~ b5;

Page 131 ~ b5;

Page 132 ~ b5;

Page 133 ~ b5;

Page 134 ~ b5;

Page 135 ~ b5;

Page 136 ~ b5;

Page 137 ~ b5;

Page 138 ~ b5;

Page 139 ~ b5;

Page 140 ~ b5;

Page 141 ~ b5;

Page 142 ~ b5;

Page 143 ~ b5;

Page 144 ~ b5;

Page 145 ~ b5;

Page 146 ~ b5;

Page 147 ~ b5;

Page 148 ~ b5;

Page 149 ~ b5;

Page 150 ~ b5;

Page 151 ~ b5;

Page 152 ~ b5;

Page 153 ~ b5;

Page 154 ~ b5;

Page 155 ~ b5;

Page 159 ~ b5;

Page 160 ~ b5;

Page 177 ~ Referral/Consult;

Page 178 ~ Referral/Consult;

Page 233 ~ b6; b7C;
Page 234 ~ b6; b7C;
Page 235 ~ b6; b7C; b7E;
Page 242 ~ Duplicate;
Page 243 ~ Duplicate;
Page 244 ~ Duplicate;
Page 248 ~ b6; b7C;
Page 249 ~ b6; b7C;
Page 250 ~ Referral/Direct;
Page 251 ~ Referral/Direct;
Page 252 ~ Referral/Direct;
Page 253 ~ Referral/Direct;
Page 254 ~ Referral/Direct;
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72-274-43

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SERIALIZED	FILED
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FBI - WASH. FIELD OFFICE	
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA)	U.S. Mag. No. 83-0582M
)	
v.)	Violations: 18 U.S. Code §1507
)	40 U.S. Code §13(j)
LARRY FLYNT)	(Interfering, obstructing, or
)	impeding the administration of
)	Justice; uttering loud threaten-
)	ing and abusive language in the
)	Supreme Court Building)

I N F O R M A T I O N

The United States Attorney charges:

COUNT I

On or about November 8, 1983, within the District of Columbia, the defendant LARRY FLYNT, with the intent of interfering with, obstructing and impeding the administration of justice, did unlawfully demonstrate in a building housing a court of the United States, that is, the Supreme Court of the United States.

(Violation of Title 18 U.S. Code, §1507)

COUNT II

On or about November 8, 1983, within the District of Columbia, the defendant LARRY FLYNT did unlawfully utter loud, threatening and abusive language in the Supreme Court building.

(Violation of Title 40 U.S. Code, §13(j))

Joseph E. De Genova
JOSEPH E. DIGENOVA
United States Attorney *TJ Re*

Executive
United States Attorney

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b7c

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☒ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS 11/14/83
Date _____

030
0045

FM WASHINGTON FIELD (72-NEW) (P) (SOD C-7)

TO DIRECTOR, FBI IMMEDIATE 1035

(ATTN SUPERVISOR [REDACTED])

PUBLIC CORRUPTION UNIT,

WHITE COLLAR CRIME SECTION, CID)

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH SUPREME COURT OF THE UNITED STATES;
 OBSTRUCTION OF JUSTICE; (OO:WFO).

ON NOVEMBER 10, 1983, THE U.S. ATTORNEY'S OFFICE (USAO),
 WASHINGTON, D.C., REQUESTED THE ASSISTANCE OF THE WASHINGTON
 FIELD OFFICE (WFO), FEDERAL BUREAU OF INVESTIGATION (FBI),
 IN CONDUCTING AN INVESTIGATION CONCERNING CAPTIONED SUBJECT.
 THIS MATTER WAS REFERRED TO THE USAO BY THE SUPREME COURT OF
 THE UNITED STATES UPON THE ARREST OF LARRY FLYNT BY U.S.
 SUPREME COURT POLICE ON NOVEMBER 8, 1983.

THE ARREST OF FLYNT IMMEDIATELY FOLLOWED HIS OUTBURST OF
 OBSCENE LANGUAGE UPON THE COURT DURING PROCEEDINGS ON NOVEMBER 8,
 1983. HE WAS IMMEDIATELY REMOVED FROM THE COURT, TAKEN INTO

1 @ WFO
 (1)

Approved: [Signature]

Transmitted

(Number)

(Time)

Per: [Signature]

72-274-1
 m.p.
 m.p.
 RD
 C. [Signature]

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FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☒ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date 11/14/83

PAGE TWO DE WF 0045 UNCLAS

CUSTODY, AND EVENTUALLY TRANSPORTED TO THE CENTRAL CELLBLOCK OF THE METROPOLITAN POLICE DEPARTMENT. FLYNT WAS TAKEN BEFORE MAGISTRATE JEAN F. DWYER SUBSEQUENT TO ASSISTANT U.S. ATTORNEY (AUSA) [REDACTED] FILING A CRIMINAL INFORMATION CHARGING VIOLATION OF TITLE 18, SECTION 1507 (INTERFERING, OBSTRUCTING, OR IMPEDING THE ADMINISTRATION OF JUSTICE).

FLYNT WAS RELEASED ON PERSONAL RECOGNIZANCE. A HEARING WAS SET FOR NOVEMBER 21, 1983.

IT IS ANTICIPATED THAT INASMUCH AS THE STATEMENTS MADE BY FLYNT WERE RECORDED BY THE COURT AS A NORMAL PROCEDURE, THE INVESTIGATION WILL FOCUS ON INTERVIEWS OF WITNESSES EXCLUDING JUSTICES OF THE COURT.

THE BUREAU WILL BE KEPT ADVISED OF SIGNIFICANT DEVELOPMENTS.

BT

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Approved: _____ Transmitted _____ Per _____
(Number) (Time)

72-274-2

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SERIALIZED <i>mm</i>	FILED <i>mm</i>
NOV 15 1983	
FBI — WASH. FIELD OFFICE	
	<i>126</i>

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b7C

Office of the Marshal
Supreme Court of the United States
Washington, D. C. 20543

November 8, 1983

MEMORANDUM

SUBJECT: 82-485 Keeton v. Hustler Magazine, Inc.
Larry Flynt

On November 7, 1983 [redacted] Clerk of the Court, advised that arguing attorney [redacted] in 82-485 Keeton v. Hustler Magazine Inc. withdrew from the case which was to be argued on the following day; that [redacted] was appointed as amicus curiae in support of the judgment below. [redacted] requested that [redacted] be called with reference to courtroom seating for Larry Flynt, owner of Hustler Magazine, who was a wheelchair handicapped person. [redacted] further advised that the original request for Flynt to sit at counsel table was denied.

[redacted] was then called at [redacted] at which time he inquired as to seating for Larry Flynt. He further advised that Flynt traveled with a number of bodyguards. [redacted] was advised that we could seat Flynt but not his bodyguards and further, that anyone with a weapon in the building would be subject to arrest. We consented to one person to assist Flynt in the propulsion of his wheelchair, and that each would be searched by the metal detector prior to entering the Courtroom.

On November 8, 1983 at about 10 AM Flynt, with an entourage of about six bodyguards appeared near the Marshal's Office at which time, Flynt was personally searched for weapons in a private area and his aid through the metal detector. Accompanied by Officer [redacted] and Lt. [redacted] they entered the Courtroom shortly after 10 AM. Our officers were previously instructed as to appropriate action to take in the event of any outburst by Flynt. His other bodyguards remained outside the Courtroom. Flynt came out of the Courtroom twice, once to confer with an attorney by the name of Isaacman and the second time about 10:50 AM ostensibly to get a drink of water which was furnished. He re-entered the Courtroom and shortly thereafter when the case was

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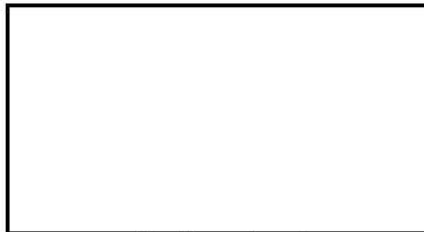
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submitted, Flynt began a profane outburst, many parts of which were obtained on the Courtroom tape recorder.

Flynt was immediately removed from the Courtroom and arrested. [redacted] was called and he conferred with the U.S. Attorney's Office which authorized prosecution. Flynt was taken to Capitol Hill Hospital as he complained that he required special bathroom facilities. From there he was taken to U.S. District Court, processed and turned over to the custody of the U.S. Marshal's Service.

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Lt [redacted] and Captain [redacted] then went to the office of AUSA [redacted] where the complaint would be drawn. At this time it is believed that Flynt would be charged under 18 USC 1507 - Attempting to Influence Justice.



Marshal of the Court

72-274-3

SEARCHED	INDEXED
SERIALIZED <i>my</i>	FILED <i>my</i>
NOV 10 1983	
FBI WASH. FIELD OFFICE	

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

THE UNITED STATES OF AMERICA : U.S. Mag. No.
v. : Violation: 18 U.S. Code § 1507
LARRY FLYNT : (Interfering, obstructing, or
impeding the administration of
Justice)

I N F O R M A T I O N _

The United States Attorney charges:

On or about November 8, 1983, within the District of Columbia,
LARRY FLYNT with the intent of interferring with, obstructing and
impeding the administration of justice, did unlawfully demonstrate
in a building housing a court of the United States, that is, the
Supreme Court of the United States.

(Violation of Title 18 U.S. Code, Section 1507)

Attorney of the United States in
and for the District of Columbia

by:



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This will acknowledge receipt of the following
items from [redacted] Marshal of the Supreme Court:

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Official Transcript Proceedings Before
Supreme Court of the United States

Case No. 82-485

[redacted] Petitioner v Hustler Magazine, Inc.
November 8, 1983

Two Tapes:

82-485 [redacted] v Hustler Mag

Re: Larry Flynt remarks

(1) at Normal Speed

(1) at Speed: #6 Sony Transcriber

Listing of Larry Flynt Correspondence

Statements by following Police Officers:

Captain [redacted]

Lt. [redacted]

Pfc [redacted]

Lt. [redacted]

Metropolitan Police Department's Report

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[redacted] FBI
Agent [redacted]
Date: 11/21/83

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72-2745

November 17, 1983

Listing of Larry Flynt Correspondence

September 14, 1983 - Date of letter signed by Larry Flynt adding Justice O'Connor to HUSTLER'S complimentary subscription list (issue of HUSTLER enclosed with letter).

September 19, 1983 - Date of letter from Justice O'Connor's secretary requesting that the Justice's name be removed from HUSTLER'S complimentary subscription list.

September 30, 1983 - Date of postmark on envelope received from Larry Flynt Publications, 2029 Century Park East, Suite 3800, Los Angeles, CA 90067, on October 3, 1983, containing a letter signed by Marsha Rider for Larry Flynt enclosing "Special Report Number One" of L.A. FREE PRESS. "I have taken the liberty of adding your name to the Free Press' complimentary subscription list."

October 4, 1983 - Date of letter from Justice O'Connor's secretary requesting that the Justice's name be removed from the Free Press' complimentary subscription list.

October 4, 1983 - Date of postmark on envelope received from 502 Cannon HOB, Washington, D.C. 20515, enclosing envelope, postmarked September 29, 1983, addressed to Rep Mel Levine, 502 Cannon House Ofc, D/Calif, Washington, DC, 20515. Inside this envelope was a letter, dated September 29, 1983, addressed to Justice O'Connor from Larry Flynt (signed by [redacted] for him), HUSTLER, 2029 Century Park E., Los Angeles, CA. 90067, which begins: "[blacked out] I'll take you off HUSTLER's subscription list when you resign from the Court."

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October 4, 1983 - Date of second postmark (first postmark dated September 29, 1983) on envelope from HUSTLER, 2029 Century Park E., Los Angeles, CA. 90067. Inside this envelope was an identical letter to above with no blacking out - "F--- you, c---. I'll take you ..."

October 11, 1983 - Photocopy of letter to Larry Flynt from [redacted] [redacted] dated September 28, 1983, received at Supreme Court, in an envelope, postmarked October 6, 1983, from Larry Flynt Publications, 2029 Century Park East, Suite 3800, Los Angeles, California 90067. [redacted] last sentence reads: "You can forward the remainder of Strom's subscription to someone who will appreciate it!")

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October 24, 1983 - Federal Express Overnight Envelope received containing two video cassettes entitled "Larry Flynt and The First Amendment".

11/21/83
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72-274-4

October 24, 1983 - Envelope, postmarked October 20, 1983, received from L.F.P. INC., 2029 CENTURY PARK EAST, STE. 3800, LOS ANGELES, CALIFORNIA 90067. Enclosed was December 1983 issue of HUSTLER Magazine.

November 7, 1983 - Part Two of a lengthy telegram signed Larry Flynt received. Part One of the telegram was sent to Justice O'Connor from the Communications of the Justice Department.

November 10, 1983 - Envelope delivered by commercial messenger from Larry Flynt Publications received. Enclosed were three advertisements (Larry Flynt on State/Church Separation; Larry Flynt on Life, Liberty, and Justice for All; Larry Flynt on Freedom of Expression) that various newspapers "refuse[d] to print."

November 15, 1983 - Envelope delivered by commercial messenger containing letter, dated November 11, 1983, signed by Larry Flynt, enclosing a press release and premier issue of THE REBEL. "I have taken the liberty of placing your name on the complimentary mailing list of THE REBEL, a newsweekly with a cause."

Public Information Office
Supreme Court of the United States
Washington, D. C. 20543

November 14, 1983

TO : File Memo

FROM : Lieutenant [redacted] *ft* [redacted]

SUBJECT: Arrest of Larry Flynt, Tuesday, November 8, 1983

On Tuesday, November 8, 1983 at 0830 to 1700 hours I was on duty as a Police Officer employed by the Supreme Court of the U.S. My assignment was to be with Mr. Larry Flynt when he visited the Court to listen to his case being argued before the Supreme Court of the United States.

I met Mr. Larry Flynt as he exited elevator #4 prior to entering the courtroom. I explained to Mr. Flynt that there was a reserved seating area for him and one attendant. I also explained that he would not be permitted to bring a tape recorder into the courtroom. After a brief discussion on this issue and after the completion of a physical search of Mr. Flynt, one attendant and his clergy person Mr. Flynt was escorted to his reserved seating area without the recording equipment.

I remained in the courtroom with Mr. Flynt for the duration of his visit. Mr. Flynt requested to leave the courtroom on two occasions. Once to speak to his attorney and once for a drink of water.

At approximately 1103 hours the case ended. At this time Mr. Flynt shouted "FUCK THIS COURT." Simultaneously he unbuttoned his sports jacket. I was standing directly to Mr. Flynt's left side when he started shouting. As he started to unbutton his sports coat I stepped in front of him to block his view to the Justices. I placed my left hand in position of his hands touching both hands in such a manner so he could not put an object in his hands. I also moved my right hand and my upper body in front of his face in an attempt to distract his train of thought. This activity lasted for a few seconds as P.F.C. Sokoloski had now arrived at my location and was turning Mr. Flynt's wheelchair around 180 degrees so that his back was to the Justices. P.F.C. [redacted] wheeled Mr. Flynt out of the courtroom a distance of approximately 10 walking steps. Mr. Flynt during this time was shouting obscenities, I did not pay attention to each word as I was closely paying attention to Mr. Flynt's hands. Mr. Flynt stopped shouting as we walked behind the curtains in the rear of the courtroom entering the exit door of the courtroom.

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As Mr. Flynt was being wheeled out of the courtroom in the hall area, [redacted] Marshal of the Supreme Court of the U.S. advised me that Mr. Flynt was to be arrested and taken to the lawyers lounge. Mr. Flynt, one attendant, his attorney, his clergy person, [redacted] and myself went to the lawyers lounge located directly across the hall from the Marshal's office. After which one of Mr. Flynt's attorneys advised that Mr. Flynt needed to use a handicapped rest room and that a personal need had arisen.

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Upon learning that none of the rest rooms would accommodate Mr. Flynt I decided to transport Mr. Flynt to the Capitol Hill hospital emergency room to use their handicapped restroom facility. I also attempted to transport Mr. Flynt in his wheelchair in a Capitol Hill Police Van. While attempting to load Mr. Flynt into the wagon we saw that he would be in an unsafe position so I tried to use a Court automobile, however, these vehicles would not accommodate Mr. Flynt.

Mr. Flynt's attorney offered the use of the rented Limo used by Mr. Flynt for the purpose of transport.

[redacted] (Marshal of the Court), Capt. [redacted] and myself agreed and we put Mr. Flynt in the rented Limo (a 4 door Cadillac, dark blue) and transported him to Capitol Hill hospital, 7th & "C" Street, N.E., Washington, D.C. to use the rest room.

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While I was enroute to the hospital in a Court vehicle following Mr. Flynt, I received a radio message from my police dispatcher to telephone [redacted] when I reached my destination.

When I telephoned [redacted] he advised me to take Mr. Flynt to the Central Cellblock in the Metropolitan Police Department and contact [redacted] A.U.S.A., Room 3836, Telephone: 633-3435. Also that the exact charge for the arrest would be "Criminal Contempt Section 401, title 18, USC."

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After Mr. Flynt completed using the rest room he was transported to the Central Cellblock. At this location he was finger printed and photographed. It was at this time that I learned that Mr. Hume was not in the same building and that in order for me to bring Mr. Flynt to [redacted] it would required another transport.

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Mr. Flynt was transported to the U.S. Courthouse 3rd and C Street, N.W., Washington, D.C. entrance. Upon arrival at the Courthouse I was met by a U.S. Deputy Marshal who took custody of Mr. Flynt. I never saw Mr. Flynt again that day.

A few minutes later I met [redacted] in his office. Mr. Hume turned the case over to [redacted] A.U.S.A. for prosecution. I remained in [redacted] office until the arraignment was over. As I was leaving the Courthouse I met [redacted] in the hall near the courtroom used for arraignment, said goodbye and left.

November 14, 1983

RECEIVED
SUPREME COURT, U.S.
MARSHAL'S OFFICE

TO : File Memo

FROM : Captain [redacted]

'83 NOV 21 P3:51

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SUBJECT: Arrest of Larry Flynt, Tuesday, November 8, 1983

Mr. Larry Flynt was taken from the Lawyers Lounge to the basement via number 4 elevator. At our request for transportation the U.S. Capitol Police supplied the usual "Paddy Wagon" a van type vehicle commonly used by various Police Departments to transport prisoners. Mr. Flynt was lifted into the vehicle and once inside it was found the vehicle could not accommodate him and his wheelchair, a check with the Court Stationwagon and Court Lincoln was made and found they were not able to accommodate him. (Mr. Flynt must be transferred via a wooden board, he cannot be carried, the doors do not open sufficient to allow the transfer). It was decided at this time by [redacted] Lt. [redacted] and Capt. [redacted] to transport Mr. Flynt in his own rented Cadillac Limo. Mr. Flynt, Captain [redacted], one attendant P.F.C. [redacted] and a Minister were transported in a caravan consisting of the U.S. Capitol Police vehicle, the Limo, the Court Lincoln with Lt. [redacted] P.F.C. [redacted] and P.F.C. [redacted] and Lt. [redacted]. The Caravan departed for the "Capitol Hill Hospital Emergency Entrance" Mr. Flynt was escorted by Captain [redacted] P.F.C. [redacted] and [redacted] to an examination room, a portable toilet was used, he was then escorted back to the limo and the caravan departed for the Central Cellblock per Lt. [redacted] who received directions from (I understand) Marshal [redacted]. Upon arrival at the Cellblock Mr. Flynt was printed and photographed by the Metropolitan Police. A call was placed to [redacted] A.U.S.A. who requested we transfer Mr. Flynt to the U.S. Courthouse 3rd and Constitution Ave., N.W. Mr. Flynt was taken from the Cellblock to the rear entrance of the Courthouse where we were met by U.S. Marshals who directed that Mr. Flynt remain in the vehicle and they placed the vehicle on an elevator, the elevator took us to the basement area where Mr. Flynt was removed and escorted to their Cellblock, he was placed in the first cell in the front of the cellblock, we were assured by the Marshal [redacted] that he would be watched on T.V. and if needed he has a nurse on standby.

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Upon arrival in [redacted] office to assist with the charges [redacted] assigned this case to A.U.S.A. [redacted] who presented the case for arraignment to Jean Dwyer Magistrate. While we were in the U.S.A. Office we looked out of the window and saw the line of cars belonging to Mr. Flynt lined up on the South side of C Street, N.W. heading toward 3rd Street. At the entrance to the 3rd and C parking entrance to the Courthouse there were about 15 news photographers apparently waiting for Mr. Flynt to exit. Mr. Flynt was arraigned in Mag. Dwyer's chambers and released on his own recognizance.

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Supreme Court of the United States
Washington, D. C. 20543

November 14, 1983

TO: Captain [REDACTED]
THRU: Lieutenant [REDACTED]
Lieutenant [REDACTED]
FROM: P.F.C. Stephen R. Sokoloski
SUBJECT: Arrest of Larry Flynt on November 8, 1983

I, Officer [REDACTED] while on duty, Tuesday, November 8, 1983 at the Court Door entrance, I was instructed by Lieutenant [REDACTED] to observe Mr. Larry Flynt while he was in the Courtroom. I was standing in rear of the Courtroom behind the curtains to observe Mr. Flynt in the event he caused a disturbance while in the Courtroom. When Mr. Flynt did start shouting, I quickly wheeled him out of the Courtroom and stayed with him all the time until I released him to the U.S. Marshals at the lockup. I was the arresting officer.

[REDACTED]
P.F.C.
Supreme Court, US Police

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Supreme Court of the United States
Washington, D. C. 20543

November 10, 1983

TO: Captain [redacted]
THRU: Lieutenant [redacted]
FROM: Lieutenant [redacted]
SUBJECT: Arrest of Larry Flynt on Tuesday, November 8, 1983

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At about 9:58 AM Tuesday, November 8, 1983 Mr. Larry Flynt, a paraplegic, entered the building via the South Drive for the purpose of hearing the argument in case No. 82-485, [redacted] v. Hustler Magazine.

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Arrangement had been made with the Marshal's Office for reserved seating for Mr. Flynt. Prior to entering the Court room Mr. Flynt was advised by Lieutenant [redacted] he would not be able to take a cassette player/recorder and a box containing several cassettes into the hearings. He indicated that he intended not only to take the recorder and cassettes in the courtroom, but also to play them to the Court. He was advised again he would not be permitted to enter the Courtroom with the cassette equipment.

He then indicated he wanted the tapes given to [redacted] Respondent in the Hustler case. The tapes and player was given to [redacted] Mr. Flynt [redacted] Mr. Flynt was then permitted to enter the courtroom after completion of normal security procedures. [redacted] delivered the tapes to [redacted] Chief Deputy Clerk, for delivery to [redacted]

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On completion of [redacted] v. Hustler Magazine, Mr. Flynt from his wheelchair shouted obscenities which were direct to the Court. He was removed from the Courtroom by Lieutenant [redacted] and P.F.C. [redacted] during which time he continued a stream of obscenities. He was then taken to Room 111, Lawyers Lounge, to await transportation to District Court and arraignment.

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Prior to the arrival of the U.S. Capitol Police transfer wagon, Mr. Flynt said he needed to use the men's room. The Court not having restroom facilities for the handicapped, and taking into

consideration Mr. Flynt's physical disabilities, Lieutenant Borruso decided to transport him to the Capitol Hill Hospital and then to the District Court Central Lockup for processing, using Mr. Flynt's rental limousine. Mr. Flynt's attorney agreed and he and two of Mr. Flynt's attendants were permitted to accompany him.

On completion of booking procedures at the Central Lockup about 1:30 PM Mr. Flynt was transported to the D.C. District Court and turned over to Federal Marshals.

The U.S. Capitol Police. Officers [redacted] badge [redacted]
[redacted] and [redacted] provided escort from the
Supreme Court to the D.C. District Court.

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[redacted]
Lieutenant
Supreme Court US Police

METROPOLITAN POLICE DEPARTMENT
Washington, D. C.

PROSECUTION REPORT

P.D. 163 Rev. 3/82-207-57 G.O. 401.5

5. UNIT-ARREST NO. POLICE CHARGE(S)
➤ Sec 401 CRIMINAL
TITLE 18 Contempt
US CODE
ID-11661

1. PERSON NOTIFIED OF NAME CHANGE-UNIT-DATE/TIME-NCIC NO. (ID Only)		2. COMPLAINT NUMBER ➤ 526393	
3. DEFENDANT'S TRUE NAME-LAST, FIRST, MIDDLE (ID Only) FLINT, LARRY		4. ID NUMBER (ID Only) ➤ 364926	
6. DEFENDANT'S NAME-LAST, FIRST, MIDDLE (At time of arrest) FLINT, LARRY		7. CID NUMBER	
8. NICKNAME/ALIAS NONE		9. DEA LAB NUMBER	
10. ADDRESS (Include Room/Apt No.-City & State-if Outside D.C.) ➤ 364 ST Cloud Belaire, Calif 90624		11. PHONE NUMBER 213-471-3441	
12. SEX ➤ M	13. RACE ➤ W	14. BIRTHDATE ➤ 11/1/42	15. TIME IN D.C. 1 DAY
16. SOCIAL SECURITY NUMBER ➤ 407-52-6390			
17. TYPE OF RELEASE <input type="checkbox"/> CITATION <input type="checkbox"/> BOND <input type="checkbox"/> COLLATERAL	18. COURT DATE	19. HAT N/A	20. COAT white
21. JACKET white	22. PANTS BLK	23. SHIRT T-shirt	24. BIRTHPLACE (City & State) Kentucky
25. CO-DEFENDANTS: Number (If more than 4, list Name, Address, Zip Code & Phone Numbers in Statement of Facts Section.)			
NAME, ADDRESS, ZIP CODE AND PHONE NUMBER		NAME, ADDRESS, ZIP CODE AND PHONE NUMBER	
1.		2.	
3.		4.	

26. WALES/NCIC CHECK		CHECK MADE BY (Name) CPT.		WARRANT ON FILE (If Yes, enter Warrant Number(s).) <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
27. LOCATION OF OFFENSE (Exact Address, include Room/Apt No.) ➤ #1st ST NE DC MAIN Court Room		DATE OF OFFENSE ➤ 11/8/83		TIME OF OFFENSE ➤ 1100 AM	
28. LOCATION OF ARREST (Exact Address, include Room/Apt No.)		DATE OF ARREST		TIME OF ARREST	
29. ARRESTING OFFICER'S NAME, RANK, BADGE NO. & UNIT OR AGENCY		30. ASSISTING OFFICER'S NAME, RANK, BADGE NO. & UNIT OR AGENCY			

31. DEFENDANT ADVISED OF RIGHTS			OFFICER'S NAME (Including Completing PD Form 47)		BADGE NO.		UNIT	
DATE 11/8/83	TIME 1230	LOCATION CCB						

32. COMPLAINANTS/WITNESSES (If sworn member-Name, Rank, Badge No. and Unit.)			
NAME-LAST, FIRST, M.I.	ADDRESS-STREET CITY STATE ZIP CODE	BIRTHDATE	ONE NO.
W-1			
W-2			
W-3			
W-4			
W-5			
W-6			

33. PROPERTY RECOVERED/ITEMS OF EVIDENCE			
DESCRIPTION	BY WHAT MEANS-LOCATION-TIME	FROM WHOM	BY WHOM
1.		IDENTIFICATION & RECORDS DIV.	PER
2.		DATE	TIME
3.		CCB	
4.		DGS	
34. RECORD CLERK'S NAME		35. INITIALS-DATE-UNIT OF PERSON TAKING PRINT (Original Copy ONLY.)	

36. ARREST RECORD SUMMARY		37. M.O. (Weapons/instruments used, Hangouts, Habits, or any unusual Characteristics of Defendant -Scars/Tattoos, etc.)		38. RIGHT THUMB PRINT	
1.	NONE				
3.					
5.					

DISTRIBUTION: Page 1. to I & RD; Page 2. & 3. to Prosecutor; Page 4. Officer's Copy; Page 5. (yellow) Unit Copy.

REVERSE CARBON AND FILL IN REVERSE SIDE OF THIS FORM

FROM - DATE - TO -

EMPLOYER

ADDRESS

BUS. PHONE

OCCUPATION

SELF EMPLOYED

-40. NAMES OF LIVING FAMILY, RELATIVES, FRIENDS AND ASSOCIATES (Begin with immediate family.)

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41. MILITARY SERVICE: BRANCH/DATE FROM - TO

42. TELEPHONE CALL MADE

43. PHONE NUMBER

☐ YES ☒ NO ☐ REFUSED

44. STATEMENT OF FACTS: (Give a brief statement, in your own words, of the facts surrounding the offense and the arrest. Use Continuation Form PD 202A for additional space. Note present condition of any injured person(s). Do not give Witnesses' Names or Addresses, REFER to them as W-1 or W-2, etc., as indicated in Item 31.)

The defendant was in the Supreme Court of the U.S. and at the court room, at the completion of a case presentation the defendant said in a loud voice "FUCK THIS COURT."

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58/81

SECRET

45. DEFENDANT'S VERSION/REMARKS: [What did defendant say about the offense or his/her whereabouts at the time of offense? (Use PD 118 for defendant's written statement.)]

46. BAIL REFORM ACT CASES: Was a statement made by defendant in reference to his/her failure to appear? ☐ Yes
(If yes, include in Defendant's Version/Remarks Section above.)

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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/17/83

[redacted] Public Information Officer, U. S. Supreme Court, Washington, D.C. (WDC), telephone [redacted] was interviewed in her office by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI):

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After being advised of the nature and the purpose of the interview, [redacted] voluntarily provided the following information:

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She has held her position since July 12, 1982. Prior to her appointment, she was a reporter for the Washington Star.

On November 8, 1983, she was covering proceedings of the Supreme Court as part of her responsibilities. Her role is to disseminate to the press and public proceedings of the Court.

She had previously been made aware that LARRY FLYNT, whose case was going to be argued before the Court that morning, would be attending. She knew that FLYNT had sent subscriptions to HUSTLER MAGAZINE, as well as other items, to members of the Court and was therefore sure to attract interest as he appeared to hear the session of the Court.

She recalls that she was seated in the Courtroom as FLYNT was brought in prior to his case being argued. He appeared slightly agitated and motioned to speak to Lt. BORRUSO a few times. She believes that FLYNT left the room on at least two occasions during the arguments before the Court. She recalls that FLYNT had what appeared to be a Bible with him. She also noticed that he used an eyedropper to put something into his eye during the proceedings.

Just shortly after 11:00 p.m., the Chief Justice announced, following the presentation of the arguments then before the Court, that the case was submitted and

Investigation on 11/15/83 at Washington, D.C. File # Washington Field 72-274 - 6
by SA [redacted] JFC:sgt Date dictated 11/17/83

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Continuation of interview of _____

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Pageb6
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asked the Clerk to call the next case, CALDER v. JONES & ENGELS. It was at this point that FLYNT began shouting, apparently directing his words to the front of the Courtroom. She recalls that his first words were: "Fuck this Court." She also heard him say several other words which included: "You have denied me the counsel of my choice" and "You Motherfuckers." She is certain several other words were shouted by FLYNT but she cannot precisely recall them. She recalls that there was a rustle in the Courtroom. She did not hear anything said by the Chief Justice or anyone on the bench inasmuch as she followed FLYNT as he was removed from the room. She noticed that just prior to FLYNT being taken out, Lt. [] was in front of FLYNT and that FLYNT's bowtie was slightly askew. She did not see anything printed on FLYNT's shirt.

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After being taken out of the Courtroom, she recalls that FLYNT and those accompanying him were very cooperative. She knows that FLYNT was taken to the lawyers lounge but she did not accompany the group there.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/83

1

[redacted] Assistant Marshal of the Court, U.S. Supreme Court, Washington, D.C., telephone [redacted] was interviewed at the U.S. Supreme Court Building, Washington, D.C., by [redacted] who identified himself as a Special Agent (SA) of the FEDERAL BUREAU OF INVESTIGATION (FBI).

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After being advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

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During arguments before the Supreme Court of 82-485 KEETON v. HUSTLER MAGAZINE, INC., LARRY FLYNT, on the morning of November 8, 1983, he was sitting at the Court Crier or Marshal's Desk in the Courtroom.

Sometime between 10:28 and 10:58 a.m., FLYNT left the Courtroom. [redacted] believes that FLYNT, while outside the Courtroom, wrote a note because a short time after FLYNT left, a messenger from the Clerk's Office delivered a folded piece of paper to [redacted] for delivery to FLYNT's counsel [redacted] who was presently before the Court. [redacted] believes the name of [redacted] appeared on the outside of the folded paper and therefore, he assumed it was directed to [redacted]

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Inasmuch as he is not permitted to deliver anything to one presently before the Court, he sent the paper to the appropriate counsel table by messenger. He is certain that the note was given to a gentleman at the table and, after being read, the note was returned to [redacted] via messenger who told him that the note was for [redacted]. [redacted] read the note which, he believes, was originated by FLYNT. His recollection is that the note said something to the effect that [redacted] was not the counsel of FLYNT's choice and therefore, FLYNT's rights were being violated.

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[redacted] declined to send the note to [redacted] who was still arguing before the Court, but instead sent the

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Investigation on 11/15/83 at Washington, D.C. File # Washington Field 72-274-7
by SA [redacted] sg Date dictated 11/16/83

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Continuation of interview of _____

, Page 2*

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note to Chief Justice BURGER via messenger. _____ believes that the Chief Justice got the note at approximately 10:45 and believes that the Chief Justice read the note. He did not notice the response by the Chief Justice nor does he recall the disposition of the note. _____ stated that it is normal procedure that notes between members of the Court are destroyed as a matter of routine.

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At approximately 11:03, or shortly thereafter, LARRY FLYNT made a verbal outburst just shortly after the Chief Justice stated that the case had been accepted. _____ stated that he cannot recall the precise words shouted by FLYNT but knows that they included obscenities. He knows that he heard FLYNT say the words: "You've deprived me of my rights---motherfuckers---assholes". He is certain that FLYNT shouted several other words as he was being escorted out of the Courtroom. _____ is absolutely certain that members of the Court heard the words shouted by FLYNT. He noted that the accoustics in the Courtroom are very good and that FLYNT was shouting.

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Following the shouting by FLYNT, the Chief Justice turned to _____ and said: "Marshal have that man arrested". _____ responded by saying: "I will see that it's done".

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_____ recalls that he then picked up the telephone and called the police room and advised an officer that the Chief Justice wanted LARRY FLYNT arrested. Later, a note came to _____ from the Chief Justice which stated that the Chief Justice wanted FLYNT held for contempt and photographed and fingerprinted prior to release. _____ recalls that he again telephoned the police room and informed them of the request made by the Chief Justice.

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_____ is not certain of the events following the foregoing inasmuch as he went on to his duties in the Courtroom. He believes that thereafter communications from the Chief Justice were addressed to the Marshal of the Court.

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/831

[redacted] Marshal of the Court, U.S. Supreme Court, Washington, D.C., telephone 252-3200, accompanied [redacted] who identified himself as a Special Agent (SA) of the FEDERAL BUREAU OF INVESTIGATION (FBI), to the Courtroom of the Supreme Court and the following took place:

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Using a 100 foot measuring tape, SA [redacted] and Marshal [redacted] measured the distance from the last row, center of the Courtroom, to the lecturn at the front of the Courtroom and determined that the distance was approximately 37 feet. The distance from the lecturn to the location of the center chair of the Supreme Court bench was measured to be approximately 10 additional feet.

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Marshal [redacted] therefore, determined that the distance from where LARRY FLYNT was sitting in the Courtroom on November 8, 1983, to the location of the Chief Justice of the Court, to be approximately 47 feet.

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Investigation on 11/15/83 at Washington, D.C. Washington Field File # 72-274 -8
by SA [redacted] sg Date dictated 11/16/83

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/83

1

[redacted] Captain, U.S. Supreme Court Police, Washington, D.C., telephone [redacted] was interviewed in his office by [redacted] who identified himself as a Special Agent (SA) of the FEDERAL BUREAU OF INVESTIGATION (FBI).

b6
b7C

After being advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

b6
b7C

On the morning of November 8, 1983, he met LARRY FLYNT as he was taken from the elevator for seating in the Courtroom. He recalls that FLYNT had a tape recorder with him and he was informed by [redacted] and Lieutenant [redacted] U.S. Supreme Court Police, that FLYNT would not be allowed in the Courtroom with the recorder. The recorder was eventually given to an attorney representing FLYNT.

b6
b7C

Prior to being allowed in the Courtroom, FLYNT was taken to a blocked off corridor in the building and, along with his attendant and minister, the three of them were frisked by police officers with the aid of a portable metal detector. At different times, either the minister or the attendant sat with FLYNT while in the Courtroom.

During the proceedings, he recalls that FLYNT left the Courtroom on perhaps two occasions. One occasion was to get a drink of water. He noted that just prior to the close of the presentation of FLYNT's case before the court, FLYNT's minister got up and left the Courtroom. [redacted] then went over to where FLYNT was sitting in the Courtroom.

b6
b7C

Just following the conclusion of the presentation of the case before the Court, at approximately 11:00 a.m., FLYNT started shouting at the Justices of the Court. [redacted] heard FLYNT shout: "fuck the court" followed by several other obscenities the exact words [redacted] cannot recall because he directed his attention to getting FLYNT out

Investigation on 11/14/83 at Washington, D.C. File # Washington Field 72-274-9
by SA [redacted] sg Date dictated 11/16/83

b6
b7C

Continuation of interview of _____

, Page 2*

b6
b7c

He noted that soon after FLYNT left the Courtroom, FLYNT calmed down and was cooperative thereafter. He accompanied FLYNT to the Capitol Hill Hospital where FLYNT was allowed to use a restroom prior to being transported to the central cellblock of the METROPOLITAN POLICE DEPARTMENT.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 11/17/83

1

[redacted] PFC, U.S. Supreme Court Police, Washington, D.C., telephone 252-3345, was interviewed at his place of employment by [redacted] who identified himself as a Special Agent (SA) of the FEDERAL BUREAU OF INVESTIGATION (FBI).

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b7C

After being advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

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He has been employed by the U.S. Supreme Court Police since 1959.

On the morning of November 8, 1983, the date LARRY FLYNT appeared at the Courtroom of the U.S. Supreme Court, [redacted] was assigned by his Superior, Lieutenant [redacted] to stand behind the curtain at the rear of the Courtroom, out of view of the public and the court. He noted that he was in uniform and uniforms are not allowed in the Court during session. His responsibility was to assist in the removal of LARRY FLYNT from the Courtroom should that become necessary. He took his position after LARRY FLYNT was situated in the Courtroom. He believes his position was approximately 10 feet away from LARRY FLYNT during the proceedings of the Court.

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Just shortly after 11:00 a.m., following the close of the presentation of the case involving FLYNT to the Court, LARRY FLYNT started shouting and cursing at the Justices of the Court. His immediate thought was to get FLYNT out of the Courtroom as quickly as possible. He is certain that he heard FLYNT say: "fuck this court" followed by several other words which may have included "fuck this motherfucking Court". He cannot specifically recall the several other words shouted by FLYNT. He does recall that after getting FLYNT outside the Courtroom he noted that FLYNT's shirt had printed on the front: "fuck this court". He does not believe that any of the Justices of the Court saw the shirt, but he cannot say for sure.

Investigation on 11/14/83 at Washington, D.C. Washington Field File # 72-274-10
by SA [redacted] :sg Date dictated 11/16/83

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Continuation of Interview of _____

, Page 2*

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b7c

He noted that FLYNT was very cooperative after being removed from the Courtroom. He does not recall that FLYNT was at all agitated prior to the case ending.

He accompanied FLYNT in FLYNT's rented limousine to the Capitol Hill Hospital, the Central Cellblock of the METROPOLITAN POLICE DEPARTMENT, and then on to the Federal Courthouse. He recalls that during this time there was a lot of small talk coming from FLYNT but FLYNT was cooperative although making statements to members of the news media as they left the Capitol Hill Hospital.

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 11/17/83

[redacted] Lt., U. S. SUPREME COURT POLICE, Washington, D.C. (WDC), telephone [redacted] was interviewed at his place of employment by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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After being advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

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b7C

He has been employed by the U. S. Supreme Court since September 9, 1983. He recently retired from the PRINCE GEORGE'S COUNTY POLICE DEPARTMENT after 24 years of service.

On November 8, 1983, after receiving knowledge that LARRY FLYNT planned to attend the session of the Supreme Court, he was assigned to meet the FLYNT party as they got off the elevator and to remain with FLYNT throughout the entire proceedings in the courtroom. He was to observe FLYNT and to escort him to the courtroom and to remain with him. He received his assignment from [redacted] Marshal of the Court.

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Approximately five minutes before 10:00 a.m. on November 8, 1983, he met the FLYNT party as they arrived on elevators at the first floor and proceeded to the courtroom. FLYNT had with him a minister and a principal attendant. He noticed that both FLYNT and the minister were each carrying a Bible. Those with FLYNT were wearing business suits. They were not introduced by name. Only FLYNT, his principal attendant and the minister, were allowed in the courtroom to hear the proceedings. Through FLYNT's Security Director, four other men in the party were requested to remain in the hallway. [redacted] assigned four police officers to remain with these individuals outside the courtroom.

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Prior to FLYNT, his principal attendant or Director of Security, and his minister entering the courtroom, they were taken to a private area of the corridor and a search

Investigation on 11/14/83 at Washington, D.C. File # Washington, Field 72-274 - 11
by SA [redacted] JFC:sgt Date dictated 11/17/83

b6
b7C

Continuation of interview of [redacted]

Page 2

b6
b7C

was conducted of both of their persons and of a wheelchair used by FLYNT. The search was conducted by Lt. [redacted] and he was assisted by using a portable metal detector. FLYNT and those with him were courteous and cooperative throughout this search.

FLYNT, his Director of Security, and his minister were escorted to the courtroom just before the Court began session. [redacted] recalls that FLYNT's minister accompanied FLYNT, who remained in his wheelchair. The other attendant was assigned to sit on the other side of the courtroom. Captain [redacted] also sat near that location. [redacted] recalls that during the proceedings, these two men attending with FLYNT traded places on at least one occasion.

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It is [redacted] recollection that, during the proceedings, FLYNT requested and was allowed to leave the courtroom on two occasions. [redacted] recalls that one occasion was used by FLYNT to speak to an attorney, who was with the FLYNT party but not in the courtroom because he did not have a reservation. The other occasion was used by FLYNT to get a drink of water which was provided for him. [redacted] believes that each absence from the courtroom lasted approximately five or ten minutes.

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At approximately 11:03, FLYNT asked [redacted] when the proceedings would be ending. In order to purposely confuse FLYNT, in the event he had anything planned to disrupt the Court, [redacted] responded that 20 minutes remained. [redacted] knew that in fact the proceedings would end just shortly after 11:00, or one hour after the beginning of the proceedings. Just as [redacted] told FLYNT this, the proceedings were concluded with regard to FLYNT's case then being heard. Because [redacted] had just been speaking to FLYNT, he was very close to him. [redacted] heard the Chief Judge say that the case had been accepted and the proceedings stopped when [redacted] noticed FLYNT direct his eyes to the members of the Court. He also noticed that the Justices appeared to be waiting for FLYNT to leave the courtroom. It was at this moment that FLYNT shouted, directing his words to the front of the courtroom. [redacted] recalls that the first shouted words to come from FLYNT was: "Fuck this Court." He knows that FLYNT shouted several other words but [redacted] cannot recall exactly what they were. He directed his full attention to FLYNT as he noticed that FLYNT appeared to be unbuttoning his jacket. [redacted] placed his left hand on FLYNT's abdomen and around his chest area to make certain that FLYNT was not attempting to get a weapon. [redacted] had a portable radio in his right

b6
b7C

Continuation of interview of [REDACTED]

, Page

-3-

b6
b7C

hand. Because of [REDACTED] actions, he does not believe that FLYNT could see the Justices very well as he was shouting. A few seconds after FLYNT started shouting, another officer [REDACTED] arrived and both of them started to remove FLYNT from the courtroom. He is certain that FLYNT was still shouting as he was escorted out into the hall. [REDACTED] does not recall hearing anything said by any of the Justices.

As they got FLYNT out into the main hall outside the courtroom, [REDACTED] received instructions from Marshal [REDACTED] to the effect that FLYNT was not to be allowed to leave the building but rather he should be taken to the lawyers lounge.

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[REDACTED] accompanied FLYNT to the lawyer's lounge. FLYNT, at this time, was in the presence of two of his attorneys. He was cooperative and requested the use of a restroom. [REDACTED] was informed by the FLYNT party that a restroom equipped for the handicapped was needed. Inasmuch as an adequately furnished restroom was not available in the building, FLYNT's party was advised that arrangements would be made to take him to Capitol Hill Hospital for that purpose.

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Although in custody, [REDACTED] had not been advised that FLYNT was to be removed to the central cellblock of the METROPOLITAN POLICE DEPARTMENT (MPD). He called for a transport vehicle but as they attempted to leave the building, it became apparent that FLYNT, still in his wheelchair, could not fit in the vehicle, a police paddywagon. [REDACTED] then called for a court limousine, a Lincoln Towncar, but this too was not adequate. It was at this point that one of FLYNT's counsel offered the use of FLYNT's limousine in which he had arrived. This offer was accepted and some of FLYNT's attendants placed FLYNT in the limousine accompanied by himself and other members of the U. S. SUPREME COURT POLICE.

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At one point, while [REDACTED] was attempting to accomodate the FLYNT party regarding the trip to the hospital, [REDACTED] was contacted on the radio by Marshal [REDACTED] who advised that FLYNT was to be taken to the central cellblock of the MPD and charged with violation of Title 18, Section 401, and that Assistant United States Attorney [REDACTED] would meet them. After booking at MPD, [REDACTED] attempted to contact [REDACTED] but discovered that [REDACTED] was located at U. S. District Court. The party finally arrived at that location where the U. S. Marshal took custody of FLYNT.

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b7C

Washington, D.C.
November 23, 1983

United States Attorney
Washington, D.C.

Attention: Assistant United States Attorney
[redacted]

Re: Larry Flynt; Obstruction
of Justice

Dear Sir:

Enclosed for your consideration are the following:

- 1) FD-302 reflecting interview of [redacted]
November 14, 1983.
- 2) FD-302 reflecting interview of [redacted]
[redacted] November 14, 1983.
- 3) FD-302 reflecting interview of [redacted]
November 14, 1983.
- 4) FD-302 reflecting interview of [redacted]
November 15, 1983.
- 5) FD-302 reflecting interview of [redacted]
November 15, 1983.
- 6) FD-302 reflecting interview of [redacted]
November 15, 1983.
- 7) Copy of a receipt executed by Special Agent (SA)
[redacted] FBI, on November 21, 1983.
- 8) Official Transcript of Proceedings before the
Supreme Court, Case number 82-485, [redacted]
Petitioner v. Hustler Magazine, Inc., Et Al.,
November 8, 1983.

2-Addressee

1-WFO (72-274) *msw*

qk JFC:msw
(3)



72-274-12

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 23 1983	FBI - WFO
<i>mb</i>	<i>mb</i>

- 9) Two copies each of two audio cassette recordings copied from the Master Tape of the U.S. Supreme Court regarding Case number 82-485. These copies essentially contain only remarks made by Larry Flynt. One copy is at normal speed, the other at a slower speed.
- 10) A listing of Larry Flynt correspondence purported to have been received by the office of Supreme Court Justice Sandra Day O'Connor.
- 11) Copy of a statement prepared by Lieutenant [redacted] dated November 14, 1983.
- 12) Copy of a statement prepared by Captain [redacted] [redacted] dated November 14, 1983.
- 13) Copy of a statement prepared by P.F.C. [redacted] Sokoloski, dated November 14, 1983.
- 14) Copy of a statement prepared by Lieutenant [redacted] [redacted] dated November 10, 1983.
- 15) Copy of a Metropolitan Police Department report.

Very truly yours,

Theodore M. Gardner
Special Agent in Charge

By: [redacted]
Supervisory Special Agent

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b7C

b6
b7C

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☒ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS
Date 11/23/83

411
038

FM WASHINGTON FIELD (72-274) (P) (C-7)

TO DIRECTOR FBI IMMEDIATE

ATTN: SUPERVISOR [REDACTED] PUBLIC CORRUPTION UNIT,

WCC SECTION CID.

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH SUPREME COURT OF THE UNITED STATES;
 OBSTRUCTION OF JUSTICE; OO:WFO.

RE WFO TEL TO BU DATED NOVEMBER 14, 1983.

INVESTIGATION OF THIS MATTER BY WASHINGTON FIELD HAS RESULTED
 IN THE INTERVIEW OF SIX WITNESSES AT THE U.S. SUPREME COURT.

ADDITIONALLY, WASHINGTON FIELD HAS OBTAINED FOUR PREPARED STATE-
 MENTS BY WITNESSES (U.S. SUPREME COURT POLICE - USSCP). THERE
 WERE PREPARED AS AN ADMINISTRATIVE PROCESS OF THE USSCP.

WASHINGTON FIELD HAS ALSO OBTAINED COPIES OF THE SEGMENT OF THE
 MASTER TAPE WHICH WAS USED TO RECORD THE CASES PRESENTED BEFORE
 THE COURT AND WHICH CONTAIN THE VERBAL OUTBURST MADE BY FLINT
 WHICH IS THE BASIS OF THE CRIMINAL INFORMATION CHARGING HIM

1-WFO

JFC:msw

(1)

72-274-13

SEARCHED _____ INDEXED _____

SERIALIZED _____ FILED _____

Approved: [Signature]

Transmitted

(Number)

(Time)

Per [Signature]

COTTS [Signature]

b6
b7c

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TW DE WF 0038 UNCLAS

WITH THE VIOLATION OF TITLE 18, USC SECTION 1507 (INTERFERRING, OBSTRUCTING, OR IMPEDING THE ADMINISTRATION OF JUSTICE).

FOR THE INFORMATION OF THE BUREAU, IT IS NOTED THAT DURING THE INTERVIEW BY WASHINGTON FIELD OF THE ASSISTANT MARSHAL OF THE COURT, IT WAS DETERMINED THAT DURING ORAL ARGUMENTS BY COURT APPOINTED COUNSEL FOR FLYNT BEFORE THE COURT, FLYNT ORIGINATED A NOTE THAT PASSED THROUGH THE CLERK OF THE COURT FOR DELIVERY TO FLYNT'S COURT APPOINTED COUNSEL, [REDACTED] THE NOTE, ADDRESSED TO SHAPIRO, WAS GIVEN TO THE ASSISTANT MARSHAL WHO DIRECTED IT TO THE DEFENSE COUNSEL TABLE. THE NOTE WAS SENT FROM THE COUNSEL TABLE, BACK TO THE ASSISTANT MARSHAL WHO READ THE NOTE AND PASSED IT ON TO CHIEF JUSTICE BURGER, WHO APPARENTLY READ THE NOTE. ACCORDING TO THE ASSISTANT MARSHAL, THE NOTE DIRECTED [REDACTED] TO INFORM THE COURT THAT HE WAS NOT COUNSEL OF FLYNT'S CHOICE AND FLYNT WAS THEREFORE BEING DENIED HIS RIGHTS. WASHINGTON FIELD UNDERSTANDS THAT THE NOTE IS STILL MAINTAINED BY THE COURT. THE UNITED STATES ATTORNEY'S OFFICE HAS CONTACTED [REDACTED] COUNSEL TO THE SUPREME COURT, IN AN EFFORT TO OBTAIN A COPY OF THAT NOTE.

ON THE MORNING OF NOVEMBER 23, 1983, FLYNT APPEARED BEFORE

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

b6
b7c

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE THREE DE WF 0038 UNCLAS

U.S. MAGISTRATE [REDACTED] WASHINGTON, D.C., FOR ARRAIGNMENT AND STATUS HEARING. FLYNT PERSONALLY PETITIONED THE COURT TO ALLOW HIM TO REPRESENT HIMSELF WITH THE ASSISTANCE OF ADVISORS. THIS REQUEST WAS GRANTED BY THE COURT. FLYNT ALSO WAIVED HIS RIGHT TO HAVE THE TRIAL HEARD BEFORE A DISTRICT COURT JUDGE, THEREBY REQUIRING THE CASE TO BE HEARD BY MAGISTRATE DWYER. MAGISTRATE DWYER SET JANUARY 3, 1984, AS A DEADLINE TO RECEIVE WRITTEN MOTIONS AND JANUARY 19, 1984, AS A HEARING DATE.

IT IS ANTICIPATED THAT ADDITIONAL INVESTIGATION BY WASHINGTON FIELD WILL INVOLVE PRODUCING A TRANSCRIPT OF THE AUDIO TAPE AS WELL AS CONDUCTING POSSIBLE INTERVIEWS CONCERNING THE AFOREMENTIONED NOTE TO THE CHIEF JUSTICE UPON SPECIFIC REQUEST OF THE UNITED STATES ATTORNEY'S OFFICE AND IF CONSISTENT WITH THE DESIRES OF THE CHIEF JUSTICE TO HAVE THE MATTER FULLY DEVELOPED TO THE POINT OF RELEASING THE NOTE. OF COURSE BUREAU AUTHORITY WILL BE OBTAINED PRIOR TO ANY INTERVIEW OF THE CHIEF JUSTICE.

BUREAU WILL BE KEPT ADVISED OF SIGNIFICANT DEVELOPMENTS.

BT

#0038

NNNN

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

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FEDERAL BUREAU OF INVESTIGATION

1

11/30/83

Date of transcription

The following is a transcription of an audio cassette recording, obtained by the Washington Field Office, Federal Bureau of Investigation, November 21, 1983, copied from the U.S. Supreme Court tape recorder, of the last remarks during oral arguments of Case 82-485 [redacted] v. Hustler Magazine) on November 8, 1983:

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Attorney [redacted]

---in considerable measure has been part of the richness and greatness of this country. Thank you.

Chief Justice:

Thank you gentlemen, the case is submitted. We'll hear arguments next in Calder against, ah, Jones and Ingalls.

Larry Flynt:

Fuck this court! You denied me counsel of my choice! Nine assholes and one token cunt! Goddamn motherfuckers!

Chief Justice:

Will you see that the Marshal---

Larry Flynt:

You fuckin' goin' arrest me?

Chief Justice:

Will you--- will you inform the Marshal to take that man into custody?

Investigation on 11/21/83 at WASHINGTON, D.C. File # WFO72-274 -14
by SA [redacted] JFC/msw Date dictated 11/29/83

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b7C

AN0001 3280615Z

PP WF

DE AN

P230615Z NOV 830

C-4

FM ANCHORAGE (62C-NEW)

TO DIRECTOR PRIORITY

LOS ANGELES PRIORITY

WFO PRIORITY

BT

UNCLAS

ATTN: ORGANIZED CRIME SB

BY GENERAL CRIMES SECTION.

LARRY FLYNT; RUMORED FLIGHT FROM ANCHORAGE, ALASKA, TO THE FAR EAST, INFORMATION CONCERNING - MISCELLANEOUS.

FOR INFORMATION OF RECIPIENTS, ON THE EVENING OF NOVEMBER 2, 1983, FEDERAL AVIATION ADMINISTRATION (FAA), ANCHORAGE, CONTACTED THIS OFFICE AND ADVISED AS FOLLOWS:

PAUL
9-5068

ALTHOUGH FAA'S INFORMATION WAS FRAGMENTARY, ITS UNDERSTANDING WAS THAT LARRY FLYNT (THE SAME INDIVIDUAL CURRENTLY EMBROILED IN THE DE LOREAN CASE IN LOS ANGELES) HAD CONTACTED U.S. AND/OR SOVIET OFFICIALS AND HAD INDICATED AN INTENTION TO TRAVEL BY AIR FROM ANCHORAGE USING THE SAME FLIGHT PATH THAT THE DOWNED KOREAN

2:22 AM
11/24/83
TELL

SEARCHED DE INDEXED DE
SERIALIZED MB FILED MB

Nov 24 1 39 AM '83



72-274-15
b6
b7C

PAGE TWO AN 62C-NEW UNCLAS

AIRLINES FLIGHT 007 TOOK WITH INTENDED DESTINATION OF SOUTH KOREA. FAA INDICATED THIS FLIGHT WAS PLANNED FOR ON OR ABOUT NOVEMBER 23, AND THAZ THE STATE DEPARTMENT WAS EXTREMELY CONCERNED THAT FLYNT MIGHT BE WILLING AND ABLE TO CONSUMMATE HIS PLAN. FAA REQUESTED ANY INFORMATION THE FBI MAY HAVE CONCERNING FLYNT'S PRESENT WHEREABOUTS AND TRAVEL PLANS.

THE MEDIA IN ANCHORAGE IS ONTO THIS STORY AND, OF COURSE, VERY INTERESTED. A PRESS REPRESENTATIVE ADVISED SAC, ANCHORAGE THIS DATE THAT HE HAS TRACKED FLYNT TO THE MADISON HOTEL IN WASHINGTON, D.C. AND IS GOING TO ATTEMPT TO REACH FLYNT FOR AN INTERVIEW.

FAA HAS NO KNOWLEDGE AS TO WHAT TYPE OF AIRCRAFT FLYNT MIGHT TRY TO EITHER BOOK PASSAGE ON OR CHARTER IN THIS RUMORED ATTEMPT. FAA FURTHER ADVISED IT ESSENTIALLY HAS NO POWER TO STOP FLYNT SHOULD HE BE SO FOOLISH AS TO ATTEMPT TO CHARTER AN AIRCRAFT AND COMPLETE HIS PLAN.

FBI, ANCHORAGE ASSUMES FLYNT'S PURPOSE, WERE HE TO UNDERTAKE THIS TRAVEL, WOULD BE TO SHOW THAT AN INNOCENT CITIZEN WOULD NOT BE SHOT DOWN BY SOVIET FORCES "PROVING" THAT FLIGHT 007 WAS IN FACT ON A ☐ SPY MISSION.

b7E

PAGE THREE AN 62C-NEW UNCLAS

FBI, ANCHORAGE SEES NO SPECIFIC FBI JURISDICTION IN THIS MATTER AND NO INVESTIGATION IS REQUESTED. ANCHORAGE WILL, HOWEVER, OPEN A CASE TO FOLLOW THIS RUMOR, AND LOS ANGELES AND FBIHQ ARE REQUESTED TO ADVISE ANCHORAGE SHOULD ANY INFORMATION INDICATING THAT FLYNT MAY PURSUE THIS RUMORED PLAN BE RECEIVED.

BT

C-7

CG0019 3412336

PP HQ LA LS WFO

DE CG

P 072336Z DEC 83

FM CHICAGO (130-28) (P) (SQ.8)

TO DIRECTOR PRIORITY

LOS ANGELES (180-113) (OC-3) PRIORITY

LOUISVILLE (INFO) PRIORITY

WFO (72-274) (INFO) PRIORITY

BT

UNCLAS

LARRY FLYNT; DESECRATION OF THE FLAG; ILLEGAL WEARING OF
MILITARY DECORATION; OO:LOS ANGELES; CONTEMPT OO:CHICAGO.

RE CHICAGO TELETYPE TO DIRECTOR DATED DECEMBER 4,
1983; CHICAGO TELCALL TO LOUISVILLE SUPERVISOR TOM
KNEIR, DECEMBER 7, 1983.

UNLESS OTHERWISE NOTED, ALL INVESTIGATION REPORTED
HEREIN CONDUCTED BY SA [REDACTED]

AS PREVIOUSLY REPORTED, FLYNT APPEARED SUNDAY
MORNING, DECEMBER 4, 1983, FOR INITIAL APPEARANCE BE-
FORE MAGISTRATE [REDACTED] AT CHICAGO. AT THAT TIME

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b7c

72-274-16
SEARCHED _____ INDEXED _____
SERIALIZED *mb* FILED *mb*

DEC 7 6 42 PM '83

[REDACTED] *JP*

BM

PAGE TWO

CG 180-28

UNCLAS

FLYNT DENIED HIS IDENTITY AND REQUESTED IDENTITY HEARING, WHICH WAS SCHEDULED FOR 3:30 P.M. TUESDAY! DECEMBER 6, 1983.

SUBSEQUENTLY FLYNT RETAINED CHICAGO ATTORNEY

[REDACTED] AND ON MONDAY, DECEMBER 5, 1983,

[REDACTED] ADVISED USA'S OFFICE THAT FLYNT WOULD STIPULATE

HIS IDENTITY AND WAIVE IDENTITY HEARING. THEREFORE HEARING BEFORE MAGISTRATE JURCO WAS MOVED UP TO 2:00 P.M., MONDAY, DECEMBER 5, 1983. AT THAT HEARING, WHEN MAGISTRATE HAD TAKEN THE BENCH AND IMMEDIATELY AFTER FLYNT WAS WHEELED INTO THE COURTROOM AND PLACED DIRECTLY IN FRONT OF THE MAGISTRATE, FLYNT REMOVED FROM BENEATH A TOWEL ON HIS LAP A FOLDED RED FLAG, SPIT UPON IT, AND THREW THE FLAG AT THE BENCH IN THE DIRECTION OF THE MAGISTRATE. AT THE SAME TIME FLYNT UNLEASHED A TORRENT OF PROFANE AND OBSCENE LANGUAGE \$843:53\$ -5 5 3 .-854-53. XAGISTRATE

[REDACTED] RECESSED THE HEARING AND INSTRUCTED ATTORNEY

[REDACTED] TO SPEAK WITH HIS CLIENT (FLYNT) TO DETERMINE

IF THE PROCEEDINGS WOULD CONTINUE. FLYNT SUBSEQUENTLY

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PAGE THREE

CG 189-28

UNCLAS

RETURNED TO THE COURTROOM, APOLOGIZED TO THE MAGISTRATE AND THE PROCEEDINGS CONTINUED, UNTIL A SECOND OUTBURST ON THE PART OF FLYNT CAUSED THE PROCEEDINGS TO BE TERMINATED. FLYNT WAS REMOVED FROM THE COURTROOM.

THE USA'S OFFICE AT CHICAGO ON THE SAME DATE PREPARED A PETITION FOR A RULE TO SHOW CAUSE WHY LARRY FLYNT SHOULD NOT BE HELD IN CRIMINAL CONTEMPT OF COURT. ON THE FOLLOWING DAY, TUESDAY, DECEMBER 6, 1983, FLYNT APPEARED BEFORE CHIEF USDJ [REDACTED]

[REDACTED] IN THE SAME COURTROOM REGARDING THE CONTEMPT PETITION. FLYNT AGAIN HAD ATTORNEY [REDACTED] PRESENT, BUT CHOSE TO REPRESENT HIMSELF IN THE PROCEEDINGS, DURING WHICH HE READ A LENGTHLY SELF HYPENED PREPARED PETITION INTO THE COURT RECORD. THE PROCEEDING CONTINUED UNTIL FLYNT INITIATED AN OBSCENE AND PROFANE OUTBURST OF LANGUAGE DIRECTED AT JUDGE [REDACTED] JUDGE [REDACTED] HELD FLYNT IN CONTEMPT OF COURT AND SENTENCED HIM ON THE SPOT TO SIXTY DAYS IN THE CUSTODY OF THE ATTORNEY GENERAL.

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PAGE FOUR

CG 187-29

UNCLAS

JUDGE [REDACTED] ENTERED AND CONTINUED THE MATTER INVOLVING THE CONTEMPT PETITION REGARDING MAGISTRATE JURCO.

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BY A MESSAGE TRANSMITTED VIA THE METROPOLITAN CORRECTIONAL CENTER (MCC) STAFF TELEPHONICALLY TO THE CHICAGO FBI OFFICE ON NIGHT OF DECEMBER 4-5, 1983, AND A SECOND TELEPHONIC COMMUNICATION FROM THE MCC ON DECEMBER 6, 1983, FBI CHICAGO WAS ADVISED THAT FLYNT INDICATED A DESIRE TO SPEAK WITH THE FBI, SAYING HE WAS PREPARED TO GIVE UP HIS SOURCE IN THE DELOREAN TAPES MATTER, BUT THAT HE WOULD DO SO ONLY IN THE PRESENCE OF THE FBI AND THE UNITED STATES ATTORNEY. THIS INFORMATION WAS MADE KNOWN TO AUSA [REDACTED] NDI, CHICAGO, WHO ADVISED THAT AFTER CONSULTATION WITH THE USA, LOS ANGELES, IT WAS DETERMINED THAT ANY SUCH CONTACT OR COMMUNICATION ON THE PART OF FLYNT, AS ABOVE, RIGHTLY SHOULD BE HANDLED AT LOS ANGELES.

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b7c

SUBSEQUENTLY ON DECEMBER 6, 1983, LIEUTENANT

[REDACTED] MCC, CHICAGO, TELEPHONICALLY NOTIFIED

PAGE FIVE

CG 180-28

UNCLAS

THE FBI THAT HE (WHILE IN THE COMPANY OF TWO OTHER
FEDERAL CORRECTIONAL OFFICERS) HAD OVERHEARD FLYNT
IN CONVERSATION WITH HIS PHYSICAL THERAPIST, WHO
HAS BEEN ALLOWED INTO THE MCC TWO HOURS PER DAY
TO ADMINISTER ONGOING PHYSICAL THERAPY TO FLYNT.

FLYNT WAS GIVING HIS THERAPIST NUMEROUS INSTRUCTIONS
AND ORDERS, AND SHE WAS OBSERVED TO BE MAKING NOTES.

FLYNT WAS OVERHEARD TO ORDER HIS THERAPIST TO SEEK
NUMEROUS COURT ORDERS FOR VARIOUS MATTERS DESIRED
BY FLYNT, AND THEN FLYNT WAS HEARD TO SAY WORDS TO
THE EFFECT, "TELL MY PEOPLE TO BLOW-UP THE CHURCH."

FURTHER, FLYNT WAS HEARD TO GIVE INSTRUCTIONS TO
THE EFFECT THAT HIS PEOPLE SHOULD THROW RED PAINT
ON FEDERAL OFFICE BUILDINGS AND ON EMPLOYEES
COMING OUT OF THE MCC AND FEDERAL BUILDING AT

CHICAGO. LIEUTENANT [REDACTED] AND THE OTHER TWO

CORRECTIONAL OFFICERS WERE IN FULL VIEW OF FLYNT
WHEN THESE STATEMENTS WERE HEARD. INVESTIGATION
HAD DETERMINED THAT FLYNT, WHEN ARRESTED AT CHICAGO
ON THE EVENING OF SATURDAY, DECEMBER 3, 1983, WAS

b6
b7c

PAGE SIX

CG 180-28

UNCLAS

IN ROUTE TO LAKEVILLE (AKA SAILERSVILLE), KENTUCKY, WHERE HE PLANNED TO SPEAK THE FOLLOWING DAY AT THE STINSON CREEK BAPTIST CHURCH. FLYNT REITERATED THE SAME INFORMATION AS PART OF THE PETITION WHICH HE READ INTO THE COURT RECORD BEFORE JUDGE [REDACTED] AUSA POLALES, CHICAGO, THEREFORE INSTRUCTED THAT REPRESENTATIVES OF THE ABOVE CHURCH IN KENTUCKY BE ADVISED OF THE INFORMATION.

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RE TELCALL TO SUPERVISOR [REDACTED] LOUISVILLE DIVISION ON DECEMBER 7, 1983, PROVIDED ABOVE INFORMATION.

ON DECEMBER 7, 1983, AUSA [REDACTED] ADVISED HE HAD BEEN NOTIFIED BY JUDGE [REDACTED] THAT THE JUDGE WOULD ENTER AN ORDER THAT AFTERNOON DIRECTING THAT FLYNT BE REMOVED FORTHWITH TO LOS ANGELES AND THAT HE REMAIN IN THE CUSTODY OF THE ATTORNEY GENERAL FOR SIXTY DAYS. LOS ANGELES ADVISED TELEPHONICALLY SAME DATE.

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ADDENDUM

JUDGE [REDACTED] RULED ENTIRE PROCEEDINGS AT CHICAGO

PAGE SEVEN

CG 183-28

UNCLAS

ARE AUCILLARY AND THAT FLYNT SHOULD BE HANDLED BY
THE COURT AT LOS ANGELES. WHILE LEAVING THE SIXTY
DAY SENTENCE INTACT, ALL OTHER MATTERS BEING LEFT
TO DISCRETION OF JUDGE TAKASUKI AT LOS ANGELES.

BT

1983-84 TERM

ISSUE No. **4**

October 21, 1983



PREVIEW

OF UNITED STATES SUPREME COURT CASES

CONTENTS

Estelle v. Wiggins	Docket No. 82-1135	55
Helicol v. Hall, et. al.	Docket No. 82-1127	57
Keeton v. Hustler Magazine, Inc., et al.	Docket No. 82-485	
State of Maine v. Richard Thornton	Docket No. 82-1273	61
Ray Oliver v. United States	Docket No. 82-15	
Bose Corporation v. Consumers Union of United States	Docket No. 82-1246	63
Secretary of State of Maryland v. Munson Company, Inc.	Docket No. 82-766	65

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PREVIEW OF UNITED STATES SUPREME COURT CASES

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Estelle v. Wiggins: Necessary Assistance or Unwanted Interference?

by Mitchell Lewis Rothman

Estelle v. Wiggins
(Docket No. 82-1135)

To be argued November 9, 1983

ISSUES

When Carl Edwin Wiggins, accused of armed robbery, decided he could do without a lawyer at his trial, he didn't have to go it entirely alone — the judge appointed two local attorneys to give standby support. But Wiggins may have received more help than he really wanted. In this case from Texas, the Supreme Court will decide whether the unwelcome assistance of one of his advisors violated Wiggins's right to represent himself in a criminal courtroom — a right guaranteed by the Sixth Amendment to our Constitution.

The constitutional right to represent oneself has been recognized only since 1975. This case marks the Supreme Court's first opportunity to tell us in greater detail what the right means. Its decision is thus bound to affect how criminal trials are run throughout the country.

The concept of self-representation creates difficulties in our adversary system. Because it allows lone Davids to take on the Goliath of the state, self-representation sometimes threatens an unfair result. Free choice and individual responsibility, values which underlie the right to represent oneself, may thus conflict with our desire to see justice done. How do we strike a balance? That is what the case of Carl Edwin Wiggins is all about.

Just how much control should defendants who represent themselves have over the course of their trials? At what point does outside assistance become interference — interference which might prejudice the jury, or prevent defendants (who, after all, must bear the consequences of conviction) from defending themselves as they see fit? And what should the judge or standby attorney do if a lay defendant seems to be making tactical or strategic mistakes? These are some of the larger issues at stake.

Expressed a bit more formally, the legal questions raised by the case are:

1. Did the courtroom conduct of one of Wiggins's standby lawyers violate his constitutional right to self-representation? Wiggins claims the lawyer interfered to such an extent that it became impossible for him to offer his own defense. The state of Texas, on the other

hand, argues the participation of the standby attorney was more limited — allowing Wiggins a genuine opportunity to manage his defense and make his own decisions.

2. Did the federal appeals court, whose decision in favor of Wiggins is being reviewed, correctly define the role of standby counsel? Texas contends the narrow role outlined by the appeals court threatens the fairness of criminal trials when defendants represent themselves and makes undesired reversals of hard-won convictions more likely.

FACTS

This case began in 1972, with the armed robbery of a grocery store in San Antonio. Carl Wiggins of Corpus Christi was tried and found guilty of the robbery in January, 1973 and, as a repeat offender, was sentenced to life imprisonment. A few months later, however, this conviction was set aside because the state's indictment had been defective. Carl was reindicted and, in June of 1973, brought to trial again. As the second trial began, Wiggins asked that he be allowed to conduct his own defense. The trial judge approved but, over the defendant's protest, appointed two San Antonio attorneys, Ben Samples and R. Norvell Graham, as standbys for advice and consultation.

Graham's conduct is at the heart of this controversy. Taking a more active role than his colleague, he interrupted the proceedings to offer his own objections, even though the defendant refused such assistance, argued with the defendant in open court regarding the examination of witnesses and asked the court to declare a mistrial — against Wiggins's own clearly-expressed wishes. At least once, Graham cursed while bickering with the defendant. By the time the smoke cleared, Wiggins had been convicted and again sentenced to life in prison.

The Texas state courts denied Wiggins any relief on direct appeal. A federal district court then refused to grant Wiggins's request for a writ of habeas corpus but, most recently, on November 8, 1982, the Fifth Circuit Court of Appeals reversed the district court's decision, in effect the defendants second conviction. In that decision, the Fifth Circuit ruled that standby counsel's function is to aid the defendant — if and when the accused requests help. Present only to give necessary advice, standby counsel is "to be seen and not heard;" standby lawyers cannot thrust their unwanted services upon defendants who have the right to conduct their own defense in their own way. In this case, the court declared, the defense presented to the jury was not Wiggins's defense. The Fifth Circuit went

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on to say, attorney Graham's overzealous conduct had a negative impact on the jury's perception of the defendant and his case — making acquittal on the facts that much less likely.

BACKGROUND AND SIGNIFICANCE

In 1975, the Supreme Court recognized a constitutional right to represent oneself in *Faretta v. California*, 422 U.S. 806. Noting that most defendants lacked the skills of an experienced courtroom advocate, the Court in a footnote granted trial judges permission to appoint standby counsel — even over the objections of unwilling defendants — when the accused decided to proceed without an attorney. But standby counsel's precise role was left up in the air and no case since *Faretta* has clearly defined what standby counsel is to do. Thus, however it is decided, this case will eliminate some of the ambiguity in this area of the law.

Three paths seem open to the Court. It may agree with the appeals court and Wiggins and decide that standby attorneys should be "seen and not heard" unless the defendant actually requests help. Such a step would be in keeping with the logic of *Faretta*, for some of the language in that opinion suggests defendants can refuse the aid of standby lawyers, just as they can refuse the assistance of appointed counsel. If it decides to take this course, the Supreme Court will have to contend with Texas's argument that the "seen and not heard" rule makes it too easy for unscrupulous defendants and their standbys to "sandbag" the trial court. As a case is going down the drain, the state claims, defendants will remain silent as standbys intentionally interject, violating the "seen and not heard" rule and thus establishing grounds for later reversal.

Rather than adopt the appeal court's strict standard, the Court may rule that Graham's participation, though

unfortunate, was too limited to infringe Wiggins's right to self-representation. It may conclude that Wiggins had a genuine opportunity to defend himself on his own terms. Finally, it may go beyond the facts of this particular case to carve out broader guidelines for standby counsel, allowing their unsolicited intervention when necessary to protect the public's interest in a fair trial. Given the Court's natural reluctance to make broad doctrinal statements when the individual case before it does not so demand, either of the first two alternatives is more likely. Yet the American Bar Association's own suggested standards appear to call for a more active role for the standby attorney and the Court may use this opportunity to move the law in that direction.

ARGUMENTS

For the State of Texas

1. The assistance rendered by the court-appointed standby, Graham, was intermittent and did not infringe the defendant's right of self-representation.
2. As long as the accused has a genuine opportunity to act in his or her own behalf, the constitutional right is protected. The rule that standby counsel "be seen and not heard" is rigid and unworkable and could operate to the detriment of the defendant, the state and the entire criminal justice system.

For Wiggins

1. Graham's conduct was not isolated or incidental, but rather destroyed any chance the defendant had to conduct a coherent, personal defense.
2. Because the right to represent oneself is personal to the accused, the defendant must be able to present the defense of his or her choice. Only the "be seen and not heard" rule can make this possible.

The Personal Jurisdiction Cases

by Robert H. Abrams

Helicopteros Nacionales de Colombia, S.A. (Helicol)

v.

Hall, et al.

(Docket No. 82-1127)

Keeton v. Hustler Magazine, Inc., et al.

(Docket No. 82-485)

To be argued November 8, 1983

ISSUES

These two cases are the latest chapters in the Supreme Court's oversight of state court jurisdictional power. This genre of cases, addressing the legal issue of personal jurisdiction is concerned with the limits of state power under the Due Process Clause of the Fourteenth Amendment of the Constitution. Specifically, the Court defines the conditions under which a state court may enter a judgment that binds an unconsenting non-resident defendant to its terms.

Thus these two cases concern a somewhat technical procedural issue, but in spite of the technicality of the issue involved — in personam jurisdiction — its centrality in the litigation process makes these cases rather important. (In addition, the fact that *Hustler* magazine is a party to *Keeton* makes that case newsworthy, and the defamation issues raised by the case are naturally of great interest to the publishing world.

All lawsuits in American courts must be initiated either by seizing property belonging to the defendant or by obtaining personal jurisdiction over the defendant. Personal jurisdiction, the more common method, requires that the defendant have both adequate notice of the legal action and sufficient contacts with the forum so that defending the action there is fair. The decisions in *Helicol* and *Keeton* are particularly important because they will probably offer guidance about when defendants who do business on a national scale can be sued in various locations.

The cases present two somewhat different situations, one in which a company is sued in a state in which it does significant business, but the claim is unrelated to that activity (*Helicol*), the second in which a company is sued in a state in which it does a very small volume of business but the claim is related to that activity (*Keeton*). Taken to-

gether (and with a slightly different interpretation of Keeton's facts), the two cases could offer an opportunity for the Supreme Court to announce and define a concept of "general in personam jurisdiction." This concept would govern the question of when a defendant has sufficient ties with a state that its courts are a constitutionally permissible forum for any litigation involving that defendant. The potential significance of these cases have attracted several influential amici to file briefs with the Court.

The specific legal issues raised by the *Helicol* case are:

1. Whether the due process clause bars a state from exercising in personam jurisdiction over a foreign corporation that makes substantial equipment purchases in the forum state when the lawsuit is unrelated to those purchases.
2. Whether the due process guarantees of the Fourteenth Amendment protecting defendants from unfair assertions of personal jurisdiction apply with equal force to alien defendants.

The specific legal issues raised by the *Keeton* case are:

1. Whether, consistent with due process, a non-resident defamation plaintiff may obtain in personam jurisdiction over a non-resident defendant publisher in a state in which defendant sells only a tiny percentage of its magazines.
2. Whether sale of a few hundred magazines in the forum state constitutes sufficient minimum contact with that state to allow the exercise of in personam jurisdiction over the magazine's publisher in a case related to an alleged defamation published in those magazines.
3. Whether the burden on First Amendment freedom of speech prohibits the exercise of in personam jurisdiction over defendant publisher in a defamation suit wholly between non-residents of the forum state.
4. Whether plaintiff's status as resident or non-resident of the forum state is relevant in determining if due process is offended by a particular exercise of in personam jurisdiction.

BACKGROUND AND SIGNIFICANCE

Historically, the area of state court jurisdictional power was dominated by rather strict conceptual rules that defined state court power on a territorial basis. If the defendant was found within the forum state and served with process, the state court obtained power to bind the defendant personally. (This is in personam jurisdiction. All of the defendant's assets are available to satisfy any in personam judgment that the plaintiff might obtain.) Throughout the 19th century, and for perhaps as much as the first 30 years of this century, in personam jurisdic-

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tion over non-residents was not permitted, and suits against them could only be commenced pursuant to a seizure of property belonging to them within the forum state. A judgment obtained in these cases could be satisfied only from the seized property. If a non-resident defendant either had no property within the forum, or if the in-forum property was not very valuable, the plaintiff was forced to seek redress in another location, usually where the defendant resided.

Over time and with the advent of ever increasing levels of interstate and international commerce, the territorial limitation of in personam jurisdiction became unworkable. States began to draft "long-arm" statutes which asserted judicial power over non-resident defendants. The main limitation on these statutes was that their invocation not offend the Fourteenth Amendment's guarantee of due process. The formula which has come to express that limitation is that the assertion of jurisdiction over the defendant must be consistent with "fair play and substantial justice." The decisions of the Court employing this linguistic formula require that a defendant have at least "minimum contacts" with the forum in order to satisfy the Constitution.

Although personal jurisdiction appears to be a rather technical issue, it has surprisingly important practical consequences in the litigation of cases. Initially, it acts as a primary determinant of the place in which a case may be brought. If personal jurisdiction over a defendant cannot constitutionally be maintained, the lawsuit cannot go forward in that forum. This locational impact of personal jurisdiction directly affects the convenience of both plaintiffs and defendants. Often, for example, plaintiffs will desire to litigate "at home," thereby minimizing the expense of litigation. Similarly, plaintiff may wish to choose a forum with which he is more familiar. These factors are evident in the *Helicol* case. Secondly, the choice of forum for litigation can sometimes influence the choice of law that will govern the litigation. The court in which the suit is brought is free within a very broad range of choices to apply its own law to govern the case rather than either the law of the place where the events at issue occurred, or the law of some other state that has substantially more connection with the subject matter of the litigation. This factor is critical in the *Keeton* case, since New Hampshire courts would apply a longer statute of limitations than any other state, thereby allowing the case to go forward even though it would be untimely if litigated anywhere else.

Apart from the general importance of personal jurisdiction cases in the litigation process, each of these cases portrays a fairly common fact pattern of substantial concern to major industries within the United States, and indeed throughout the world. The *Helicol* case, at a somewhat abstract level, is a case in which a state is asserting in personam jurisdiction over a non-resident solely on the basis that the non-resident regularly does a large volume of business in the state, even though that regular business has no relation whatever to the lawsuit in which jurisdic-

tion is exercised. For manufacturers and vendors of products that are sold on a large scale throughout the nation, a Supreme Court decision sustaining jurisdiction in the *Helicol* case is the harbinger of ill tidings. Not only will they be sued hither and yon, but their fear will be realized that plaintiffs will be free to forum shop for the best choice of law in suits against them. Although *Helicol*'s facts, which involve a helicopter crash in Peru, may limit the scope of the Supreme Court's decision, there is no necessary reason to believe that will be the case.

The *Keeton* case is viewed as critically important by the publishing and broadcasting industries because reversal by the Supreme Court would significantly increase their exposure to defamation suits in locales having relatively little relation to the harms alleged. Allegedly defamatory national publications or broadcasts would be actionable in every state, and a plaintiff could select a state having the most favorable substantive law, or, as in *Keeton*, a state having the longest statute of limitations. The monetary consequences of these suits are all the more significant because the court that adjudicates the case is required to award damages for *all* harms done by the defamation, in the forum state and everywhere else.

Historically, national publishers and broadcasters have not always fared well in defamation cases brought in remote locations. Indeed, the milestone case of *New York Times v. Sullivan*, 376 U.S. 254 (1964), which granted First Amendment protection to the media in defamation cases, arose in a forum state in which the *Times* did a negligible business. If the Court upholds *Keeton* in her suit against *Hustler*, the case would give plaintiffs in nationwide defamation suits a virtually unlimited choice of forum, a prospect of substantial concern to the media.

HELICOL FACTS

In early 1974, in response to the Peruvian government's request for bids on an oil pipeline to run from the interior jungles of that country to the Pacific Ocean, three American companies formed a joint venture (Williams-Sedco-Horn) that ultimately was the successful bidder. Peruvian law forbade the construction of the pipeline by a non-Peruvian company, so the American consortium formed a Peruvian corporation (Consortio) which was awarded the contract. Because surface transportation couldn't get to the areas through which the pipeline would run, the joint venture sought out *Helicol* as a potential provider of helicopter services for the project.

Helicol, a Colombian corporation, and the joint venturers entered into negotiations which took place in the United States. One of the meetings was held in Texas. At the conclusion of the negotiations a contract between *Helicol* and Consortio was signed in Peru in late 1974. These negotiations were not *Helicol*'s sole contact with the state of Texas. *Helicol* also had a long history of helicopter purchases from a Texas supplier. The sales figure for the period from 1970-76 was in excess of four million dollars. The purchases included equipment as well as

training of Helicol pilots and service staff in Texas.

In performing the work on the pipeline, Consorcio relied on employees of the American joint venture. Specifically, a number of engineers and technicians were hired by Williams-Sedco-Horn at its home office in Houston, Texas, and dispatched to Peru to perform services. This group of employees included Dean Hall, Jesse Lewallen, Leonard Moore, and Elton Porton, none of whom lived in Texas, but all of whom were United States citizens. These men were all killed in the Peruvian jungle on January 26, 1976, when a Helicol helicopter crashed into a tree in heavy fog.

Lawsuits were brought by their survivors in Harris County, Texas, against their employer, Williams-Sedco-Horn, the helicopter manufacturer, Bell Helicopter (which has its principal place of business in Texas), and Helicol. Helicol objected that the Texas court lacked in personam jurisdiction over it. This motion was denied and the case proceeded to trial. Helicol was found negligent in the operation of the helicopter and a jury verdict totalling more than one million dollars was entered covering the losses incurred by the various surviving relatives of the dead men.

Helicol successfully appealed on the jurisdictional issue to the Texas Court of Civil Appeals. In essence that court found that the case was not one for which the long arm statute was intended. The opinion (616 S.W.2d 247 (Tex. Ct. Civ. App. 1981)) did discuss matters relevant to the argument that exercise of jurisdiction would violate the federal Constitution, but did not decide the case on that basis. The Texas Supreme Court reviewed the case and initially, on February 24, 1982, issued an opinion affirming the Court of Civil Appeals decision to dismiss the suit against Helicol. Hall and the other plaintiffs sought and obtained rehearing, and the Texas Supreme Court on July 21, 1982, withdrew their earlier opinion and sustained the exercise of in personam jurisdiction over Helicol, thereby reinstating the million plus in jury verdicts.

The Texas Supreme Court was divided into three camps in its final decision. Justice Wallace, writing for the majority found that Helicol's contacts with Texas were sufficient to allow the Texas courts to adjudicate the case. Justice Campbell's concurring opinion focused more attention on the need of plaintiffs to be able to obtain a forum within the United States, noting at one point that "it is unreasonable to require the widows and children seeking relief here to go to a foreign country to prosecute their action." Finally, Justice Pope dissented in an opinion displaying general agreement with the view that the Texas long arm was not intended to reach a case which itself has so little to do with Texas. The case is reported at 638 S.W.2d 870 (Tex. 1982).

HELICOL ARGUMENTS

For Helicol

1. Due process forbids Texas from the exercise of in personam jurisdiction over Helicol in a suit unrelated to Texas when Helicol's contacts with Texas are not substantial.
2. An alien non-resident is entitled to due process protection against assertions of personal jurisdiction to the same extent as U.S. citizens.
3. Texas infringes on federal prerogatives relating to foreign relations and international trade by its exercise of jurisdiction over a foreign corporation for claims that stem from incidents that occurred outside of the United States.

For Hall

1. Due process does not bar assertion of in personam jurisdiction because Helicol's contacts with the forum state are substantial and continuous.
2. Regular purchases by the non-resident defendant in the forum state are relevant to the determination of whether the defendant has sufficient minimum contacts to sustain in personam jurisdiction.
3. A case of action totally unrelated to the defendant's contacts with the forum state may, under appropriate circumstances, fall within the in personam jurisdiction of that state's courts.
4. Due process is not offended by Texas' exercise of in personam jurisdiction over Helicol in this case.

For Amici Curiae Supporting Helicol

Amicus Curiae United States of America argued:

1. Helicol's helicopter purchases in Texas do not support in personam jurisdiction over Helicol in an action unrelated to those purchases.

Amicus Curiae Motor Vehicle Manufacturers Association argued:

1. A forum that is neither a corporation's home or principal place of business violates due process by exercising in personam jurisdiction over the corporation in a cause of action having no relation to the forum state.
2. A forum state having no interest in the occurrence that gives rise to the cause of action and no interest in protecting non-resident plaintiffs cannot constitutionally exercise in personam jurisdiction over a foreign corporation.
3. A foreign corporation is not amenable to in personam jurisdiction merely because it conducts business in the forum state unrelated to the cause of action.

KEETON FACTS

In several of its monthly issues in 1975 and 1976, Hustler Magazine and its publisher Lary Flynt published a cartoon, several photographs, stories and correspondence that were allegedly defamatory of Kathy Keeton. In early 1977 Keeton filed a lawsuit in Ohio, Hustler's place

of incorporation and principal place of business, seeking damages for both libel and invasion of privacy. Both of these claims were dismissed by the Ohio courts as being barred by the statute of limitations. Shortly thereafter, in October, 1980, Keeton, a citizen of New York, filed this suit in the United States District Court in New Hampshire, obtaining federal subject matter jurisdiction on the basis of diversity of citizenship. Once again she alleged that *Hustler* had libelled her in 1975-76.

The district court found that *Hustler's* activities in New Hampshire were sufficient to bring them within the ambit of that state's long arm statute. The court also found that *Hustler's* in-state contacts — the distribution of a few hundred copies of their magazine — although very minimal, were not random or isolated and were purposefully directed at New Hampshire. Keeton's contact with the forum was even more attenuated, her sole contact being that her name appeared on the masthead of three magazines that enjoyed some local circulation. Judge Caffrey concluded that the exercise of jurisdiction over *Hustler* would violate due process because of the minimal nature of the forum contacts of all parties to the litigation, as well as the lack of interest of the State of New Hampshire in protecting non-resident plaintiffs like Keeton from defamation injuries.

In affirming the dismissal, the First Circuit Court of Appeals, speaking through Judge Breyer, stressed the point that the bulk of the damage for which recovery was being sought had occurred in states other than New Hampshire. It concluded that *Hustler* lacked sufficient contact with New Hampshire to allow that state to entertain a suit for claims that, in the main, arose elsewhere. (This description of the critical determination that faced the court views the Keeton case as presenting a close parallel to the *Helicor* case, *i.e.*, an instance in which the court is attempting to decide when the exercise of general in personam jurisdiction is constitutionally permissible.) The opinion of the Circuit Court is reported at 682 F.2d 33.

KEETON ARGUMENTS

For Keeton

1. The Court of Appeals improperly focused on Keeton's lack of contact with the forum rather than *Hustler's* substantial contacts with the forum.
2. The decision below erroneously ignored the fact that a portion of the damage suffered in this case occurred in the forum.
3. The decision below erroneously allowed its distaste for

the choice of law consequences of permitting the exercise of in personam jurisdiction to influence its judgment on the jurisdictional issue.

For Hustler Magazine and Larry Flynt

1. Except where suit is brought in plaintiff's home state, due process in a multistate defamation case requires that the forum state be the site of substantial damage to plaintiff's reputation that constitutes a significant focus of the action.
2. The First Amendment does not permit a state to penalize a publisher for the simple fact of minimal local sales by requiring the publisher to defend against claims of injury bearing no bona fide relationships to those sales.
3. The commerce clause prohibits predicated general in personam jurisdiction over cases brought by non-residents upon defendant's engaging in interstate commerce.
4. No factual showing has been made that permits the exercise of in personam jurisdiction over the parent corporation of *Hustler* or over Larry Flynt personally.

For Amici Curiae supporting Hustler Magazine

Amicus Curiae CBS Inc., Dow Jones & Co., the Hearst Corporation, the Magazine Publishers Association, the Miami Herald Publishing Co., Newsweek Inc., the New York Times Company, the Reporters Committee for Freedom of the Press, Sigma Delta Chi, Time, Inc., and the Tribune Company argued that:

1. In defamation actions, where the only contact between the defendant, the forum, and the cause of action is in-state circulation, due process bars assertion of in personam jurisdiction.
- Amicus Curiae the Association of American Publishers, Inc. argued that:
 1. Due process precludes an out-of-state plaintiff from suing an out-of-state publisher for libel where the publisher's contacts with the forum are minimal, the plaintiff's contacts even more minimal, and the forum state's interest is negligible.
 2. The First Amendment buttresses the conclusion that in personam jurisdiction cannot be sustained in this case.

Amicus Curiae Motor Vehicle Manufacturers Association argued that:

1. Due process and full faith and credit prevent a forum from exercising jurisdiction over or applying its own law to a case with which the forum state has no substantial contacts.

The "Open Fields" Cases: Does the Right to Privacy Extend to Marijuana Fields?

by Edward T. McMahon

State of Maine

v.

Richard Thornton

and

Ray Oliver

v.

United States of America

(Docket Nos. 82-1273 and 82-15)

To be argued November 9, 1983

In two cases that may affect law-enforcement's ability to combat illegal drug trafficking, the Supreme Court will decide whether the Fourth Amendment permits warrantless searches for marijuana fields on private property. The two cases were joined because they have almost identical facts and issues but had different results in the lower courts.

These cases involve the high-profile illicit drug industry. As the government has acted to stem the flow of foreign marijuana into this country, more and more Americans have turned to marijuana as a cash crop.

The cases are also interesting because the result may affect the modern-day surveillance techniques used by police searching for marijuana. If the Court holds that police may not trespass on rural land to look for drugs without a warrant, does this also mean that police aircraft may not fly over the property looking for the very same drugs?

ISSUES

The legal issues presented by the case are:

1. Whether the Fourth Amendment requires a warrant based on probable cause as a precondition to entry onto a field.
2. Whether the "Open Fields Doctrine" set down by the Court in *Hester v. U.S.* (1924) has been modified by the Court's holding in *Katz v. United States* (1967) that the Fourth Amendment protects people not places.
3. Whether posting signs and erecting fences gives property owners a legitimate expectation of privacy as to activities conducted in their fields.
4. Whether the privacy intrusion in a search of a field is so limited that a police should be allowed to conduct

warrantless searches where they have "reasonable suspicion" of criminal activity.

FACTS

The facts of the cases are almost identical. In *Oliver v. United States*, an informant told a Kentucky state police officer that Oliver was growing marijuana on his farm. Based on a tip and some rumors about activities at the farm, the police drove to Oliver's farm to investigate.

At the farm the police drove down a road 3/4 of a mile past Oliver's residence, until they reached a locked gate with a "No Trespassing" sign. Getting out of their car, the police went around the gate and walked down a path into the woods. Several hundred yards down the path they heard someone yelling that there was no hunting allowed. The police identified themselves, but the person shouting at them disappeared. Returning to the path the officers walked some distance further and then discovered a large field of marijuana.

Oliver was arrested and indicted in the United States District Court for the Western District of Kentucky for manufacturing marijuana. Prior to trial he moved to suppress the evidence obtained during the warrantless search of his property. The district court granted his motion. A three-judge panel of the U.S. Sixth Circuit Court of Appeals affirmed, but rehearing before the full court reversed the suppression order and allowed the evidence to be admitted.

In *Maine v. Thornton* an informant told a Maine state trooper that he had seen marijuana growing in the woods behind Thornton's house in rural Maine. The police then drove to Thornton's, parked their car in front of a mobile home, and walked into the woods behind the residence. They followed a foot path, crossed an old stone wall, and found the marijuana growing in a heavily wooded area 500 feet from the defendant's house.

Unlike Oliver, Thornton was charged in state court. Prior to trial the state court granted Thornton's motion to suppress the evidence obtained during the police search of his property. The government then appealed to the Supreme Court of Maine, which affirmed the suppression order. The court held that the Fourth Amendment applied to the woods surrounding the marijuana fields and that the warrantless entry by the police into the woods did not fit any of the exceptions to the Fourth Amendment warrant requirement.

The cases now before the Supreme Court underscore a longstanding problem facing police trying not to run afoul of the Fourth Amendment — nearly identical facts elicit different results.

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BACKGROUND AND SIGNIFICANCE

Cultivating, distributing and selling drugs like marijuana has become a multi-billion dollar enterprise. Likewise, the government's efforts to combat illicit drug traffic involve vast resources. The federal and state governments now employ thousands of people, sophisticated technology, and whole fleets of cars, boats, and aircraft in the war on drugs.

One result of all this activity is the growing importance of the Fourth Amendment in drug cases. Last term the Court decided nine Fourth Amendment cases. All of them involved drug charges. While wide disagreement has marked the opinions of the individual justices, the Court as a whole has favored broadening the powers of the police in the war on drugs.

For example, last term the Court upheld the use of electronic beepers and sniffer dogs. It also sanctioned the warrantless boarding of ships and boats located in waters offering ready access to the open seas. These open field cases, while not quite as glamorous as drug smuggling at sea, also involve police searches conducted without a warrant.

As expected, the government argues that there is no constitutional right to privacy in open fields and wooded areas. The government relies on the "open fields" doctrine set down by the Court in *Hester v. U.S.*, 265 U.S. 57 (1924). In this case the Court held that the "special protection" accorded by the Fourth Amendment to the people in their persons, houses, papers, and effects is not extended to open fields.

In response, the defendants argue that the *Hester* "open fields" doctrine has been modified by the Court's holding in *Katz v. United States*, 389 U.S. 347 (1967). In this case the Court ruled that "the Fourth Amendment protects people not places." What matters is not where a search takes place but whether the individual at whom the search is directed has a reasonable expectation of privacy.

Both Oliver and Thornton had well hidden marijuana fields. "No Trespassing" signs, gates, fences, and thick woods surrounded their crops. The defendants contend that these measures give rise to an actual expectation of privacy and that this expectation is one which society is prepared to accept as reasonable.

The government disagrees. It contends that it is unreasonable to recognize the right to privacy in an open field. People don't conduct private relations in a field, and if they do they can't reasonably expect not to be observed. Even fields surrounded by fences are subject to observation from the air and thus cannot be regarded as wholly private.

The right to privacy has been described as "the right to be left alone." These cases will determine whether the right to be left alone extends to rural fields and woods where marijuana may be cultivated. If the right to privacy does extend to rural fields, then the police may be forced to rely on aircraft, infra-red photography, or other forms of investigation to combat marijuana growing. On the other hand, if the right to privacy doesn't apply to fields

and woods, the Court will enshrine yet another exception to the warrant requirement. It may also mean that we will hear the footsteps of police as they tramp through the woods searching for green fields of marijuana.

ARGUMENTS

For the Government

1. The Fourth Amendment does not require a warrant based on probable cause as a "precondition to entry onto a field."
2. The "open fields" doctrine set down in *Hester v. United States* (1924) retains its vitality and applies to these cases.
3. It is unreasonable to recognize the right to privacy in an open field, even one that is fenced, posted, and secluded. This is because farm fences are designed primarily to mark boundaries or to keep animals in, not to keep people out.
4. Ownership of property does not automatically create a right to privacy because the Fourth Amendment protects privacy not property.
5. Even if the search of a field does violate the right to privacy, the intrusion involved is so limited that weighed against the government interest in fighting crime, such a search is "reasonable" if it is based on reasonable suspicion of criminal activity.

For the Defendants

1. The government's searches of the defendants' property were illegal because they were made without a warrant and without exigent circumstances.
2. The government's contention that the "open fields" doctrine of *Hester v. United States* applies to these cases is without merit. This is because the open fields doctrine was modified by the Court's holding in *Katz v. United States* (1967) that the Fourth Amendment protects people not property.
3. The defendants exhibited an actual and reasonable expectation of privacy by securing their property with fences, "No Trespassing" signs and other measures.
4. Numerous lower courts have held that the open fields exception to the warrant requirement is not applicable when the search was conducted in an area from which the public was excluded.

AMICUS ARGUMENTS

Given the interests involved it is not surprising that the case has generated some friends of the court. Five amicus curiae briefs were filed with the Court. A number of states and several police organizations filed briefs on behalf of the government. The Farm Bureau Federation, the ACLU, and several legal aid organizations filed briefs in support of the defendants. The arguments generally mirror those outlined above with one interesting wrinkle. The Farm Bureau brief argues that private farms are like "factories without walls" and that farmers should be able to conduct their business in privacy like any other businessmen.

The Bose 901 Product Disparagement Suit How Badly Can One Speak About Speakers?

by Lee Arbetman

Bose Corporation
v.
Consumers Union of the United States, Inc.
(Docket No. 82-1246)

To be argued November 8, 1983

ISSUES

In this case the Supreme Court is asked to look at a specific procedural question arising under the line of public figure/defamation actions that began with the landmark case of *New York Times v. Sullivan*, 376 U.S. 254 (1964). In these lawsuits brought by public figures against publishers, the Court recognizes that lies and false communications do not serve the ends of the First Amendment. At the same time, the Court also attempts to preserve our "profound national commitment to the principle that debate on public issues should be uninhibited, robust and wide open," to give "the freedoms of expression ... the breathing space that they need to survive." (*New York Times*)

To provide the necessary "breathing space," the Court has said that public figures can only recover damages in defamation cases when they produce clear and convincing proof that the defamatory statement was false and made with "actual malice" (i.e., knowledge of falsity or reckless disregard of the truth or falsity of the statement).

In *Bose*, a lawsuit was brought against Consumer's Union (CU) for allegedly disparaging the Bose 901 loudspeaker in a published analysis of loudspeakers in CU's monthly magazine. At trial, Bose won a libel judgment of more than \$200,000. On appeal, the First Circuit reversed, finding that Bose had not met the precise constitutional standards for "actual malice" established in the *New York Times* case.

To understand the procedural issue here, one must remember the general rules for legal appeals: 1) questions of fact are determined at trials by the finder of fact (i.e., the jury in a jury case; otherwise by the judge); 2) questions of fact are not ordinarily reviewable on appeal unless the trial court is clearly erroneous, and 3) appellate courts can and do review questions of law (as opposed to fact) on appeal.

Lee Arbetman is Adjunct Professor of Law at Georgetown University Law Center and Deputy Director of the National Institute for Citizen Education in the Law, both in Washington, D.C. He may be reached at 605 G Street, NW, Washington, D.C. 20001; telephone (202) 624-8217.

Put simply: Bose won at the trial level by successfully proving that CU had published a false and disparaging statement with actual malice. Bose lost on appeal because the appellate court made its own judgment as to whether the facts proven by Bose constituted "actual malice." In the appeal to the Supreme Court, Bose argues essentially that an appellate court has no business overturning the trial judge's finding of actual malice.

FACTS

The May, 1970, issue of *Consumer Reports* included an article entitled "Loudspeakers" which evaluated 24 loudspeakers based on a series of objective tests and measurements conducted by CU's engineers. The article's review of the Bose 901 speaker included the following language: "Worse, individual instruments heard through the Bose system ... tended to wander about the room." Dr. Amar G. Bose, president of the company and inventor of the speaker system, sought a retraction of the statement. CU refused, and Bose filed suit in the Federal Court for the District of Massachusetts in February of 1971.

Before going to trial, Dr. Bose asked CU to repeat the tests in his presence, to identify the record(s) used in the tests, and to use the record(s) with other loudspeakers to determine whether any unusual audio effect was caused by the record as opposed to the speaker. CU refused these requests and stood behind the validity of the evaluation procedures they had used.

In a lengthy trial, the two CU engineers who had tested and then reported on the Bose speakers were cross-examined as to what they had meant by "wander about the room." Their response indicated that they were dealing with an abstract, subjective perception of an ambiguous aural phenomenon. Bose contended that the language they used was false and harmful to the sales of their product.

The trial court found the testimony of CU's engineers to be lacking in credibility on some important issues and held that the statement that the "instruments wandered about the room" was, in fact, false and disparaging. The court also found that in the area of loudspeakers Bose was a public figure. This required that Bose produce clear and convincing evidence that the statement was false and disparaging and that the statement was made with actual malice, as defined in the *New York Times* case. However, the trial court accepted Bose's contention that, because "wandering about the room" was theoretically impossible and because CU's engineers were experts, they must have known that their analysis was false.

On appeal, the First Circuit held it would "independ-

dently examine the record to ensure that the district court has applied properly the governing constitutional law and that the plaintiff [Bose] has indeed satisfied its burden of proof." A federal rule of civil procedure (rule 52a) limits appellate review of facts determined at trial to those that are clearly erroneous, a standard that precludes almost all review of facts found at the trial.

BACKGROUND AND SIGNIFICANCE

As mentioned, the United States Supreme Court decided the landmark *New York Times v. Sullivan* in 1964. Since then, decisions in similar cases before the Court have clarified: 1) who should be treated as a public figure or public official (in order to know when the *New York Times* standard should be used) and 2) the meaning of the "actual malice" standard, including the quantum of proof required (i.e., clear and convincing evidence).

New York Times and its progeny have been significant in upholding the press' right to inquire into and report on public events. While the press' protection from liability for defamation is not absolute, the Supreme Court has recognized that "the honest utterance, even if inaccurate, must be protected because it furthers the fruitful exercise of the rights of free expression." *Garrison v. Louisiana*, 379 U.S. 64, at 75 (1964).

The focus of *Bose* is on a technical, procedural issue. The decision is not likely to expand or restrict the substantive scope of *New York Times* or its progeny. However, a decision for CU will reaffirm that appellate courts can review the trial record to ensure that mixed questions of law and fact (such as whether there was actual malice in this case) have been decided according to constitutional standards. If the Court reverses the decision of the First Circuit and reinstates the trial court's judgment for Bose, it would appear to be: 1) a departure from past Supreme Court cases dealing with this procedural issue in similar, though not identical, situations and 2) a message that appellate review may be sharply circumscribed, even in cases where fundamental rights are at stake.

ARGUMENTS

For the Bose Corporation

1. According to the federal rules of civil procedure, it is settled that findings of fact not be set aside unless clearly erroneous, even when constitutional rights are asserted.
2. The district court's finding that the testimony of CU's

engineers was not credible, along with other evidence, provides clear and convincing proof that CU published the false and disparaging statement with actual malice.

3. By rejecting the trial judge's findings on the credibility of witnesses and by relying on testimony the trial judge found not credible, the court of appeals has deprived Bose of property without due process of law.
4. Nothing in *New York Times* or its progeny allows the court of appeals to ignore the requirements of the federal rules of civil procedure.

For CU

1. The independent appellate review carried out by the court of appeals to determine whether the constitutional actual malice standard was properly applied is a substantive right unaffected by a rule of civil procedure.
2. The district court's determination on actual malice was based on an error of law so it is not subject to procedural rules and was properly reversed by the court of appeals.
3. The district court's finding of actual malice was clearly erroneous (and therefore properly reversed even if subject to procedural rules).

For Amici Curiae Supporting CU

As in other press cases before the Court, the important issues at stake have attracted several friends of the court. One amicus brief was submitted jointly by the ACLU and the Civil Liberties Union of Massachusetts; the other was submitted jointly by a 12-party group of journalists, publishers, broadcasters and associations of newspaper publishers and editors.

The ACLU contends that "to entrust to the trial court near-final power to find the facts and to determine that the facts have been properly found would create a grave danger of erosion of constitutional rights through distorted fact-finding." The second brief argues that Supreme Court precedent and strong public policy reasons underlying the First Amendment require that courts of appeal conduct independent review of the evidentiary basis for a district court's conclusion that the challenged statement was published with actual malice. The amici contend that the rights protected by *New York Times* would be threatened by a rule of law that would subject those who review and evaluate to standards of verbal accuracy that are as impossible to articulate as they are to meet.

Charitable Contributions: A First Amendment Challenge to One State's Efforts to Stop Fraud

by Margaret E. Fisher

Secretary of State of Maryland

v.

Joseph H. Munson Company, Inc.

(Docket No. 82-766)

To be argued October 31, 1983

ISSUE

Can a state limit charities fundraising expenditures without violating the First and Fourteenth amendments? Does a professional fundraiser have the right (standing) to argue the First Amendment rights of charities in its challenge to a state law requiring that charities spend no more than 25% of their gross income on fundraising?

FACTS

Joseph Munson Company, Inc., a professional business promoter, wanted to conduct the fundraising events of a chapter of the Maryland Fraternal Order of Police (FOP). However, it ran into conflict with a Maryland criminal statute that limits spending by charities to 25% of their gross income, unless Maryland's Secretary of State issues a permit on finding that the 25% limit would effectively prevent the charitable organization from raising contributions. Maryland had passed this law in an attempt to protect its citizens from fraudulent charitable organizations. Munson wanted to charge more than the 25% limit would allow.

Finding that one chapter of FOP was reluctant to contract with it, Munson challenged the Maryland Solicitation Law, Article 41, Section 103 of the Maryland Code, as an unlawful delegation of legislative authority to an administrative agency and as a violation of free speech and assembly of the First Amendment, as made applicable to the states through the Fourteenth Amendment.

The Circuit Court for Anne Arundel County, in an unreported opinion, ruled that the statute was constitutional. The court said that the authority given to the Secretary of State to issue rules and regulations establishing exceptions to the 25% limit was a lawful delegation of legislative authority, even though the statute did not outline the majority of situations that might constitute an exception to the limit.

The Circuit Judge also ruled that the 25% limit did not impose a prior restraint on free speech since a permit was

not required prior to solicitation unless the expense was more than 25%. The court rejected Munson's claim that the exceptions to the percentage limit were too narrow. The court distinguished the Maryland statute from one that was ruled to be unconstitutional in *Village of Schaumburg v. Citizens for Better Environment*, 444 U.S. 620 (1980).

In that case, the state required that all charities obtain a permit for solicitation and that permit would only be issued when 75% of the proceeds would directly be used for charity. Since this law was inflexible and did not take into account organizations that had valid reasons for spending less than 75% directly on their charitable purposes, the Supreme Court ruled that the law violated the Constitution. However, the Maryland law provided an adequate "escape hatch" by providing for authority of the Secretary of State to make exceptions.

On appeal, the Court of Special Appeals, 48 Md. App. 273, 426 A.2d 985 (1981), agreed with the trial court that the Maryland statute was constitutional. It also ruled that Munson had the right to challenge the Maryland law.

The Court of Appeals for Maryland, 448 A. 2d 935 (1982), reversed this decision. First, however, it agreed that Munson did have standing as an interested party to challenge the statute, since it had lost a contract opportunity because of the 25% limit and because the prosecutor had threatened prosecution if Munson failed to comply with the law. It agreed that Munson could raise the FOP's First Amendment rights since Munson had a business relation with that organization that was impaired by the statute.

When it came to the constitutional issues, the Court applied *Schaumburg*. It ruled that the Maryland statute involves a sweeping prior restraint of free speech since 1) prior to any solicitation, the law requires professional fundraisers to register, submit information under oath, pay a fee and meet other requirements; 2) contracts between charitable and professional fundraisers must be submitted to the Secretary of State within ten days of the contract and a permit obtained when the cost of the contract exceeds the 25% limit; and 3) the Secretary of State has the power to cancel the registration of suspected violators or refer them to the Attorney General.

The court also ruled that the threat of criminal sanction is as much a prior restraint as the requirement of a permit before every solicitation. The law is also unconstitutionally intrusive since an organization may be criminally liable for failing to meet the 25% limit if it acts without the permit issued for exceptions to the law, even though no fraudulent misrepresentation is present.

The court said the narrow exception to the 25% limit

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violates the constitutional right of charities to make policy decisions to spend more than 25% on other than charitable purposes.

SIGNIFICANCE AND BACKGROUND

The Supreme Court's decision may impact greatly the structure of charity spending. If Munson wins, charities may continue to operate with flexibility in their spending choices. If the state wins, the door is opened to regulate in such a way as to restrict greatly their spending choices. Charitable organizations that operate through education and advocacy rather than through direct services to the needy may be even more greatly impacted if the state wins. Also, charities that represent less popular views will have a more difficult time putting on fundraisers than charities representing popular causes, if the law is found to be constitutional.

The decision will also establish guidelines for states to follow when attempting to curb abuse of solicitations by fraudulent charitable organizations.

The case will also establish more clearly when commercial entities can raise the constitutional rights of others in First Amendment challenges.

ARGUMENTS

For Secretary of State of Maryland

1. Munson does not have the right to challenge Maryland's flexible limitation on fundraising costs and to assert the First Amendment rights of charities.
2. A percentage limit on fundraising costs of charities, which involves no prior restraint and is both flexible and moderate, does not violate the First Amendment.

For Joseph H. Munson Company, Inc.

1. Munson has standing to challenge the Maryland Solicitation Law since it has suffered injury in fact — loss of business and the possibility of criminal prosecution — and it may raise the rights of Maryland charities because of the relationship between Munson's activities and the rights of the charitable organizations and because the challenge involves the First Amendment regardless of its application to Munson's activities.
2. Because there exists a substantial category of organizations that combine fundraising with advocacy and information-gathering rather than direct services, and because a percentage limit favors popular causes over unpopular ones, and because organizations have considerations other than costs when choosing their activities, a 25% limitation statute is unconstitutional.
3. The Maryland statute substantially limits First Amendment activity without a sufficiently related state interest and it is not the least drastic means by which those interests could be served.
4. The exemption power of the statute is far too narrow in scope and alternatively vests excessive discretion in state officials, making it unconstitutionally vague.

AMICUS CURIAE

Lined up with the state of Maryland are the states of Connecticut, Illinois, Kansas, Massachusetts, New Jersey, New York, Pennsylvania, South Dakota, and Tennessee.

Joining Munson are Independent Sector; member organizations of Independent Sector, individually; National Health Council, Inc. representing member voluntary health agencies; Box Office, Inc.; American Civil Liberties Union; and the American Civil Liberties Union of the National Capital Area.

SUBJECT INDEX OF CASES

Copyright

Sony Corp. of America v. Universal City Studios, Inc. (81-1687) (*Preview* 1-3)

Criminal Procedure

Dixon v. U.S. (82-5279), Hinton v. U.S. (82-5331) (*Preview* 13-14)

Fifth Amendment

Minnesota v. Murphy (82-827) (*Preview* 33-35)

First Amendment

Bose Corp. v. Consumers Union (82-1246) (*Preview* 63-64)

City Council of Los Angeles v. Taxpayers for Vincent (94 Orig.) (*Preview* 31-32)

Press Enterprise v. Superior Court (82-556) (*Preview* 37-39)

Secretary of State of Maryland v. Munson Co., Inc. (82-766) (*Preview* 65-66)

Fourth Amendment

Maine v. Thornton (82-1273), Oliver v. United States (82-15) (*Preview* 61-62)

Michigan v. Clifford (82-357) (*Preview* 15-17)

Welsh v. Wisconsin (82-5466) (*Preview* 19-21)

Jurisdiction

Helicor v. Hall (82-1127), Keeton v. Hustler Magazine, Inc. (82-485) (*Preview* 57-60)

Pennhurst State School & Hospital v. Halderman (81-2101) (*Preview* 27-29)

Migra v. Warren City School District (82-738) (*Preview* 41-43)

Labor

Bureau of Alcohol v. Federal Labor Relations Authority (82-799) (*Preview* 49-52)

Nuclear Energy

Silkwood v. Kerr-McGee Corp. (81-2159) (*Preview* 5-7)

Religion

Lynch v. Donnelly (82-1256) (*Preview* 9-10)

RICO

Russello v. United States (82-472) (*Preview* 11-12)

Sixth Amendment

Estelle v. Wiggins (82-1135) (*Preview* 55-56)

Taxation

South Carolina v. Regan (94 Orig.) (*Preview* 23-25)

Commissioner v. Engle (82-599), Farmer v. United States (82-774) (*Preview* 45-48)

ALPHABETICAL INDEX OF CASES

Bose Corp. v. Consumers Union (82-1246) (*Preview* 63-64)

Bureau of Alcohol v. Federal Labor Relations Authority (82-799) (*Preview* 49-52)

City Council of Los Angeles v. Taxpayers for Vincent (94 Orig.) (*Preview* 31-32)

Commissioner v. Engle (82-599), Farmer v. United States (82-774) (*Preview* 45-48)

Dixon v. U.S. (82-5279), Hinton v. U.S. (82-5331) (*Preview* 13-14)

Estelle v. Wiggins (82-1135) (*Preview* 55-56)

Helicor v. Hall (82-1127), Keeton v. Hustler Magazine, Inc. (82-485) (*Preview* 57-60)

Lynch v. Donnelly (82-1256) (*Preview* 9-10)

Maine v. Thornton (82-1273), Oliver v. United States (82-15) (*Preview* 61-62)

Michigan v. Clifford (82-357) (*Preview* 15-17)

Migra v. Warren City School District (82-738) (*Preview* 41-43)

Minnesota v. Murphy (82-827) (*Preview* 33-35)

Pennhurst State School & Hospital v. Halderman (81-2101) (*Preview* 27-29)

Press Enterprise v. Superior Court (82-556) (*Preview* 37-39)

Russello v. United States (82-472) (*Preview* 11-12)

Secretary of State of Maryland v. Munson Co., Inc. (82-766) (*Preview* 65-66)

Silkwood v. Kerr-McGee Corp. (81-2159) (*Preview* 5-7)

Sony Corp. of America v. Universal City Studios, Inc. (81-1687) (*Preview* 1-3)

South Carolina v. Regan (94 Orig.) (*Preview* 23-25)

Welsh v. Wisconsin (82-5466) (*Preview* 19-21)



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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/15/83

[redacted] Assistant Clerk, Clerk's Office, U. S. Supreme Court, Washington, D.C. (WDC), telephone 252-3135, was interviewed in the Office of the Clerk of the Court by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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Having been advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

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She has been employed in her present position since June, 1981.

She recalls that on November 8, 1983, Case No. 82-485, [redacted] v. Hustler Magazine, Inc., et al, was being argued before the Court and LARRY FLYNT was in attendance. She was at work that day and intended to watch some of the proceedings in person.

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At approximately 10:15 that morning, a tall thin white male in his mid-thirties, nicely dressed in a business suit, came into the Clerk's Office and identified himself to her as a counsel for LARRY FLYNT and he stated that he had to get a note to his co-counsel, [redacted] who was presently in the Courtroom preparing to argue before the Court. He handed her a single piece of paper, which was folded, and which she believes had the name of [redacted] written on the outside. She recollects that there was some sort of seal or monogram on the inside of the folded paper at the top and preceeding the writing contained in the note. She is certain that she did not read the note. Her immediate response was to tell the gentleman that she did not think they were supposed to deliver notes to arguing counsel but he responded that if Shapiro had not started arguing yet, was it possible to get the note to him. She noted that she was alone in the Clerk's Office and did not have anyone to resolve the question in her mind. She told the gentleman that she was going up to the Courtroom anyway and she would see

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Investigation on 12/8/83 at Washington, D.C. File # Washington Field 72-274-18
by SA [redacted] JFC:sgt Date dictated 12/9/83

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Continuation of interview of [REDACTED]

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what she could do about having the note delivered as requested. At this, the gentleman departed and she went on her way to the Courtroom.

When she arrived at the alcove adjoining the Courtroom, she looked for her superior, [REDACTED] Deputy Clerk of the Court, but did not see him. She then asked a Police Officer standing near the entrance on the Marshal's side of the Courtroom if he thought it was possible to deliver a note to counsel. He responded that he did not know, but motioned for a messenger and took the note. She noted that by that time, [REDACTED] had started arguing before the Court. She took her seat in the alcove and listened to this proceedings from there. She had no further knowledge concerning the disposition of the note.

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She recalls that after the case had been presented to the Court, and the Chief Justice had announced that the case had been submitted, LARRY FLYNT shouted from where he was seated in the rear of the Courtroom. She cannot recall precisely what he shouted, but knows the first sentence contained the words: "counsel of my choice" and then some obscenities to include "goddam this whole fucking Court." She noted that he was still shouting as he was quickly escorted out of the Courtroom. She left the proximity of the Courtroom at that same time and returned to her office.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/15/83

[] Marshal of the Court, U. S. Supreme Court, Washington, D.C. (WDC), telephone [] was interviewed in his office by [] who had previously identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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Having been advised of the nature and purpose of the interview, [] voluntarily provided the following information concerning recordings made in the Courtroom during arguments heard before the Court:

The U. S. Supreme Court currently uses an Ampex Model AG-400 tape recorder which utilizes magnetic tape on a 10½ inch reel containing 3,600 feet of tape. The speed normally used during recording is 1 7/8 RPS. Recordings are made on two channels monaural.

We noted that there are 12 microphones in the Courtroom; one for each Justice, one for the Marshal, and two at the podium. These are connected to a mixer where the signal is split; one channel going to an equalizer and thereafter used by the official Court Reporter, the other channel going to an equalizer and thereafter to the Court tape recorder. Two JBL 60 watt amplifiers are used in the systems.

Investigation on 12/8/83 at Washington, D.C. File # Washington Field 72-274 -19
by SA [] JFC:sgt Date dictated 12/9/83

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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/15/83

[redacted] Messenger/Courtroom Attendant and Library Assistant, U. S. Supreme Court, Washington, D.C. (WDC), telephone [redacted] was interviewed at the Lawyer's Lounge, U. S. Supreme Court, by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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Having been advised of the nature and purposes of the interview, [redacted] voluntarily provided the following information:

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She recalls that she was a Courtroom Attendant on November 8, 1983, when Case No. 82-485, [redacted] v. Hustler Magazine, Inc., et al, was being argued before the Court. She was in her normal position behind the Justices on the bench and that this was a normal assignment for her. One of her assignments is to deliver messages to and from the Justices as requested.

She recalls that on the morning of November 8, 1983, as [redacted] was arguing before the Court, she was motioned over to the alcove of the Courtroom by a Police Officer. She went over to the Officer, who was just outside the Courtroom, and he had another individual standing with him. She cannot recall anything about that person but knows she was handed a note for delivery to arguing counsel. She cannot specifically recall the name on the outside of the note but believes it must have been [redacted] because she thought the request was "funny" in that she wondered how to deliver a note to arguing counsel. She recalls asking the Assistant Marshal, then seated at the Court Crier, as to what she should do with the note. She was told by the Assistant Marshal, [redacted] to give the note to someone seated at the counsel table and pointed to which counsel table. She did this and returned to take her place on the bench.

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After she returned to her seat, she noted that the gentleman to whom she delivered the note, walked over to Assistant Marshal [redacted] and gave him the note. It is her recollection that either she or [redacted] was motioned over to [redacted] and thereafter the note

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Investigation on 12/8/83 at Washington, D.C. File # Washington Field 72-274-20
by SA [redacted] JFC:sgt Date dictated 12/9/83

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Continuation of interview of _____

, Page

-2-

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was delivered by one of them to the Chief Justice on instruction from [REDACTED]. She has no recollection as to what then happened to the note.

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b7C

After the case has been presented and the Chief Justice had announced that the case had been submitted and called the next case, she left her position to replenish drinking water for the arguing counsel. It was at this point that she heard LARRY FLYNT, then seated in a wheelchair at the rear of the Courtroom, shout at the Justices of the Court. While she cannot recall precisely what he said, she believes that his words included "you've denied me counsel of my choice" and "goddam mother-fuckers." She was so upset and shocked at this outburst that she began shaking. She continued on her way to complete her tasks as FLYNT was removed from the Courtroom.

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 12/15/83

[redacted] Police Officer, U. S. Supreme Court Police, Washington, D.C. (WDC), telephone [redacted] was interviewed by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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Having been advised of the nature and purpose of the interview, Sartori voluntarily provided the following information:

He has been employed in his position since December, 1963.

He recalls that he was working at the U. S. Supreme Court on November 8, 1983, and while the Court was in session was stationed at a post at the Marshal's side of the Courtroom in the alcove just outside the entrance to the Courtroom. This was one of his normal assignments and it was not out of the ordinary for him to be there when the Court is in session.

He recollects that at one time he did receive a note from [redacted] for delivery to an arguing counsel inside the Courtroom. While he cannot specifically recall that this occurred on November 8, 1983, it happened only once and that it could have well been on that day.

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b7C

After receiving the note, which he recalls was addressed to Counsel in the Courtroom, he got the attention of a messenger. He does not recall who the messenger was but he is certain that he gave the note to the messenger. He is certain that he did not enter the Courtroom to hand the message to the messenger because this would have been completely out of order. He cannot specifically recall what instructions he gave the messenger but believes the name on the outside of the note was enough to get the note on its way. He is certain that he did not read the note and cannot remember the name on the outside. He did not notice what the messenger did with the note once it left his possession.

Investigation on 12/8/83 at Washington, D.C. File # Washington Field 72-274-24
by SA [redacted] JFC:sgt Date dictated 12/9/83

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FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/20/83

[redacted] Social Studies, History and Law Teacher, Severna Park High School, Robinson Road, Severna Park, Maryland, telephone [redacted] was interviewed at his place of employment by [redacted] who identified himself as a Special Agent (SA) of the Federal Bureau of Investigation (FBI).

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Having been advised of the nature and purpose of the interview, [redacted] voluntarily provided the following information:

He has been employed at the High School since 1970.

On November 8, 1983, he accompanied seventeen senior high school students, comprising his Constitutional Law Class, to the U. S. Supreme Court, Washington, D.C. (WDC), to watch oral arguments before the Court. He noted that the date was chosen by him some two months in advance and this was approximately his twentieth such trip to the Court with students from the school. When the date for the trip was chosen, he did not have any knowledge as to what cases would be heard. He recalls that several days prior to taking this trip, he reviewed U. S. Law Week to determine what cases would be heard. He then did some research at a law library in Annapolis and gave to the students a brief of the cases to be heard. He felt this process was of value to his students.

After having been seated in the U. S. Supreme Court Courtroom on November 8, 1983, and after having been made aware that the first case involved Hustler Magazine, he noticed that LARRY FLYNT was brought into the Courtroom in his wheelchair as a spectator.

It is his recollection that following oral arguments of the case, and after Chief Justice Burger announced that the case had been submitted and called

Investigation on 12/14/83 at Severna Park, Maryland File # Washington Field 72-274-22
by SA [redacted] JFC:sgt Date dictated 12/15/83

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Continuation of interview of [REDACTED]

-2-
Pageb6
b7C

the new case, he and his students began filing out of the Courtroom and were very close to the location of LARRY FLYNT, who was seated at the rear of the room.

As he and his students approached LARRY FLYNT, he watched and heard FLYNT begin shouting in a loud voice toward the Justices. It is his recollection that FLYNT shouted the following statements:

"Fuck this Court."

"You've denied me counsel of my choice."

"I won't be judged by nine assholes and one token cunt."

Following this outburst, he noted that the police officers in the Courtroom escorted Flynt out.

He recalls that his students appeared to be shocked at the outburst as were other spectators. A friend of his, [REDACTED] a Baltimore Morning Sun reporter, was in the Courtroom at the time and quickly asked [REDACTED] if he heard what was thought to have been shouted by FLYNT. [REDACTED] repeated what he had heard FLYNT shout. Subsequently, while still at the Court, [REDACTED] was interviewed by the Cable News Network as was one of his students.

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[REDACTED] noted that this experience generated a lot of class discussion the next day at school. He said that he had given his students, as he always does, a strict code to follow while at the Supreme Court. he instructed them that they were not to talk, sleep, pass notes, or to misbehave in any manner while in attendance. He cautioned them that any such behavior would be an embarrassment to him and to themselves. He stated that he felt LARRY FLYNT's behavior certainly destroyed his portrayal that the Supreme Court was to be afforded great respect.

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[REDACTED] stated that following the incident, he asked his students to write down their reactions to the happening and he has maintained these written comments. He stated that while his students have heard obscenities during their life, it was his impression that the students were shocked and outraged at the behavior of LARRY FLYNT.

72-274-23

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72-274-24

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72-274-25

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	FIELD OFFICE

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United States District Court
NORTHERN DISTRICT OF ILLINOIS
Eastern Division

RECEIVED

DEC 6-1983

FRANK J. MCGARR
U. S. DISTRICT COURT
CHIEF JUDGE

In the Matter of

LARRY FLYNT

Case Number: 83CR 0950

APPEARANCES ARE HEREBY FILED BY THE UNDERSIGNED AS ATTORNEY(S) FOR:

(A)	(B)
<div></div>	SIGNATURE
<div></div>	NAME
<div></div>	FIRM
<div></div>	STREET ADDRESS
CITY/STATE/ZIP <div></div>	CITY/STATE/ZIP
TELEPHONE NO. <div></div>	TELEPHONE NO.
MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input type="checkbox"/> No	MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No	TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No
(C)	(D)
SIGNATURE	SIGNATURE
NAME	NAME
FIRM	FIRM
STREET ADDRESS	STREET ADDRESS
CITY/STATE/ZIP	CITY/STATE/ZIP
TELEPHONE NO.	TELEPHONE NO.
MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input type="checkbox"/> No	MEMBER OF TRIAL BAR? <input type="checkbox"/> Yes <input type="checkbox"/> No
TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No	TRIAL ATTORNEY? <input type="checkbox"/> Yes <input type="checkbox"/> No

PLEASE COMPLETE IN ACCORDANCE WITH INSTRUCTIONS ON REVERSE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

CHIEF JUDGE MCGARR

IN RE LARRY FLYNT

No

830R0950
Chief Judge Frank J.

Chief Judge Frank J. McGarr

RULE TO SHOW CAUSE

TO: Larry Flynt and
Stephen Zucker, Esq.
his attorney
5225 Old Orchard Road
Suite 26B
Skokie, Illinois 60077.

Upon the petition of the United States of America, it is hereby ordered that:

Larry Flynt show cause on 6th day of Dec, 1983,
at 12:00 PM at MCC, why he should not be adjudged
and held in contempt of court and punished for such contempt of
this court by reason of the fact that he willfully and contemptuously
disturbed the removal proceeding going forward before the Honorable
Olga B. Jurco, United States Magistrate on December 5, 1983, in
the hearing room at the Metropolitan Correctional Center in Chicago,
Illinois.

CHIEF JUDGE FRANK J. MCGARR
United States District Court
for the Northern District
of Illinois

DEC 6 - 1983

72-274-26

SEARCHED	INDEXED
SERIALIZED <i>mm</i>	FILED <i>mm</i>
DEC 21 1983	
FBI WASH FIELD OFFICE	
<div style="border: 1px solid black; width: 100px; height: 30px;"></div>	<i>[Signature]</i>

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[] (MAGISTRATE [] CLERK): Good afternoon, uh this is [] This is Monday, December 5, 1983 at the MCC testing the machine and the meter reading is zero.

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(Pause)

(Background Noises and Conversations)

MAGISTRATE []:

United States of America versus Larry Flynt. Well Mr. Flynt I have been informed...

LARRY FLYNT:

That's an American flag you dumb cunt now let's talk about free expression you fourteen carat piece of shit you no good dog mother fucker.

MAGISTRATE []

Umm, just would you remove Mr. Flynt...

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b7C

FLYNT:

When I get to Washington you know what I'm gonna do? I'm gonna arrest your ass.

MAGISTRATE []

Let's remove Mr. Flynt.

FLYNT:

And put you in jail you dumb mother fucker.

MAGISTRATE []:

[] I suggest that you speak to him while he's down here.

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[] ESQ.:
[] FOR FLYNT)

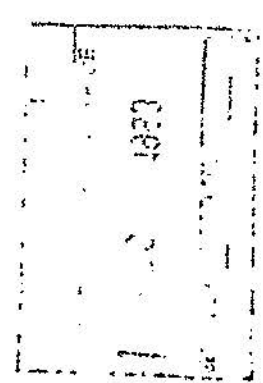
Yeah I was going to ask for a recess.

MAGISTRATE []

I'll give you at least about 15 minutes otherwise it's just not going to be. Thank you []

[]

(Pause)



FLYNT:

Uh yes your honor first of all I'd like to start by apologizing to the court for my behavior and uh secondly uh I move that we make the hearing at this moment and request an identity because I think in a matter of minutes by calling one person to the stand I can prove that I am not the person or that was arrested in California or that the indictment in itself is faulty.

MAGISTRATE

Well Mr. Flynt you have the assistance of you're aware of that.

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b7C

FLYNT:

Oh I don't, I don't need him. All I need is the court's permission to call uh out one witness your honor.

MAGISTRATE

And who is that witness?

FLYNT:

Uh my nurse

UM:

She's not here. She's not around here.

MAGISTRATE

So.

FLYNT:

Okay we, uh I could call uh if she's here.

MAGISTRATE

Is here?

FLYNT:

Yes.

UM:

Could you see?

MAGISTRATE

Very well.

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b7C

FLYNT:

Is uh

Yes, I'm here.

CG 180-28

FLYNT:

Okay, he will be fine.

MAGISTRATE

And

FLYNT:

Yes.

MAGISTRATE :

.

FLYNT:

Yes ma'am.

(Pause)

CLERK:

Would you raise your right hand please, you do solemnly swear that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth so help you God.

I do.

CLERK:

Be seated.

(Pause)

MAGISTRATE

All right Mr. Flynt.

FLYNT:

Where do you reside

In Thousand Oaks, California.

FLYNT:

What...

MAGISTRATE

Umm if, may I just interrupt.

FLYNT:

(Inaudible).

MAGISTRATE

Your full name, your full name, the full name of this witness.

MAGISTRATE

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b7C

b6
b7C

CG 180-28

MAGISTRATE [REDACTED]

[REDACTED]

MAGISTRATE [REDACTED]

FLYNT:

[REDACTED]

FLYNT:

[REDACTED]

FLYNT:

[REDACTED]

FLYNT:

[REDACTED]

FLYNT:

MAGISTRATE [REDACTED]

[REDACTED]

All right.

I live at [REDACTED]

[REDACTED]

All right Mr. Flynt.

State your profession.

[REDACTED]
[REDACTED] Mr. Flynt.

How did you first uh meet me?

I met you by a telephone call umm,
about a film project that we
were...

What was the film about?

James Douglas Morrison or Jim
Morrison, lead singer of the
Doors, now deceased.

Uh did I not tell you at that
time that uh, my name was
spelled F-L-I-N-T.

You did.

Uh I'm not trying to, I'm
trying to make this speak I am
going I hope you don't think
I'm leading the witness. I am
just going to merely say
something and if I say
anything that is not true feel
free to interrupt me. Your
honor do you have a problem
with that?

It's not the usual procedure
Mr. Flynt but indeed you
know...

I'm under sworn testimony. I will
tell the truth to my ability.

b6
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b6
b7C

CG 180-28

MAGISTRATE

FLYNT:

MAGISTRATE

FLYNT:

FLYNT:

FLYNT:

FLYNT:

FLYNT:

FLYNT:

FLYNT:

Very well.

Okay.

We'll try it.

Uh to the best of my recollection at that time, I told you that my ancestors were named FlyNSTein and they were from Copenhagen, Denmark.

Correct.

And that they moved to your home in Liverpool.

That's correct.

That's what we had in common.

Yes sir.

And that they came to this country on the Mayfair.

Uh Mayflower.

And they settled in Southern Virginia, Southern North Carolina.

That's correct.

There was three of them. They all spelled their name F-L-I-N-T.

Yes sir.

There was a family feud and one Flint changed his name to F-L-Y-N-N and went to New Orleans, fought in the battle of New Orleans. Another one changed his name to F-L-I-N-T, I believe. Yeah but I don't know what I told you.

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b7C

[redacted]

FLYNT:

Went to the Virginia I believe.

b6
b7C

No there was one stayed in Virginia the other one went to Georgia and fought in the battle of Bunker Hill.

[redacted]

Well I wrote all this down in the form of a story, anyway, so...

FLYNT:

Oh I'm very quickly getting to [redacted] that moved to eastern Kentucky to the south county Kentucky. The one who I told you was an Atheist.

[redacted]

Yes sir.

FLYNT:

And an Anarchist.

[redacted]

Mmm hmm.

FLYNT:

Didn't want to fight anybody.

[redacted]

That's right.

FLYNT:

Uh he had a grandson his name was Earnest Raymond Flynt that was my grandfather.

[redacted]

Yes sir.

b6
b7C

FLYNT:

He spelled his name F-L-Y-N-T.

[redacted]

Mmm hmm.

FLYNT:

My father, aware of all of the inconsistencies on the family name chose to leave his name F-L-I-N-T, now you're aware that today that my father still spells his name F-L-I-N-T.

[redacted]

F-L-I-N-T, that's correct.

FLYNT:

Uh [REDACTED]

b6
b7C

[REDACTED]
FLYNT:

Changed, yes. I remember yes.

Your honor for the reasons that I just set forth uh I respectfully request that this court uh release me without bail I will address this situation in California Court tomorrow. I will be there at 8:00 o'clock and now if you want me to stipulate that I was indeed the F-L-Y-N-T that that arrested in California, I will do so, and I do not want to waive any rights that may result in me getting a conviction in that particular case. And uh I have and I (unintelligible) if you were asking your gonna instruct the marshal's to travel with me, I respectfully request that we make a four hour stopover in Kentucky because I have promised to speak at a church down there. I intend to speak this afternoon at 4:00 o'clock. And for your honor not to allow me to do this would be in conflict with my first amendment rights under the constitution and the ten commandments, uh primarily the 5th commandment. And I don't think that your honor wants to want this court in anyway to uh, to uh be involved in a separations issue and I won't quote the constitution specifically I think Thomas Jefferson said it best when responding to the First

Baptist Church of Danberry, Connecticut in 1802. After he took office they asked, wrote to Thomas Jefferson and says what does the First Amendment mean? As it applies to religion. President Jefferson answered saying it is meant to erect a wall separating the church and state. I do not think that your honor wants to be responsible for chipping at this wall any farther than the Supreme Court has already done. I respectfully request that I be released on my own recognizance to appear in California tomorrow. Thank you for your consideration.

MAGISTRATE [REDACTED]

Okay are there any questions of [REDACTED] that anyone has? If not we'll...

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b7c

[REDACTED]
ASSISTANT UNITED STATES
ATTORNEY

[REDACTED]
Yes ma'am.

How long have you known this man right here?

Uh a year and a half.

Uh who is he?

Who is he?

Yes.

His name is Mr. Flynt.

First name is Larry?

Well I'm not sure anymore (laughs).

Okay. Is this the same Mr. Flynt that has been charged in

Los Angeles for the case involving the wearing of an American flag.

Maam I was discharged with a Mr. Flynt in a wheelchair on a, on another airplane and I thought I had Mr. Flynt with me. However, when I arrived in uh Lexington it turns out that it was not Mr. Flynt. The Mr. Flynt I know so I'm very confused about the whole issue so I I can not verify anymore at this point.

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b7C

But you knew that he was Mr. Flynt:

Your honor I object to this.

Yes, okay if there are no further questions I'll excuse you uh

Thank you your honor.

b6
b7C

Thank you.

You know...

Huh?

...I'm sorry your honor but I believe that Mr. Flynt indicated to you that he was willing umm to stipulate that he was the Mr. Flynt who was to appear in Los Angeles.

He has done that your honor.

Yes I am aware of that during the course of Mr. Flynt's statement to me uh that he has indicated that indeed you are the person who has been arrested and charged with a violation of Federal Law in

California Mr. Flynt. Indeed you brought out through [redacted] that a different spelling uh but uh as we know that is a matter which of course, is more properly raised and you are not by virtue of the testimony that has here been given foreclosed from raising that issue as being that person who did the things that are charged in that indictment as having been done from uh presenting whatever defense you have. But Mr. Flynt your request to me to condition your agreement and your admission that you are the Larry Flynt that was charged in Los Angeles, California upon a release on your own recognizance bond and a condition to permit you to proceed as you initially determined to proceed to uh meet an assignment which uh you represented to me on Sunday you will have to keep are conditions which I cannot accept. While the matter of the uh uh First Amendment right to Freedom of Religion and Courts of Law I certainly have no expertise in that subject. It is a matter uh which you are free as I mentioned to you on Sunday to raise as a condition of bond and with respect to when you return to California Mr. Flynt. You will be forthwith taken to Los Angeles, California in the Marshal's custody. And I cannot impose a condition other than the one uh which has been directed by the filing of that indictment in

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b7c

California and the warrant that has been issued for your arrest. No other condition.

FLYNT:

May I address this issue in court now?

MAGISTRATE

Uh I might indicate Mr. Flynt, that you have every right to speak. I think I've made clear to you however that the imposition of conditions other than the one of returning to Los Angeles, California in the custody of the U.S. Marshal will not be granted.

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b7C

FLYNT:

I understand and I accept your condition you know and I'm asking that I be allowed to respond.

MAGISTRATE

Very well you may respond Mr. Flynt.

FLYNT:

I would like to ask you to reconsider for the simple reason that uh I know your honor, I'm not asking you, don't treat me as I should be treated. Treat me as you should treat, I mean uh ignorance is not bliss. I mean ignorance is just ignorance. And there's really no excuse for violating the law. The same constitution that protects me also protects you. So it's your, it's your responsibility to uphold that constitution for everyone. Not just me or not just the Seventh Circuit or the Supreme Court or the people in Congress or these people in this courtroom. I mean and to not allow me to do this is tantamount to treason.

CG 180-28

MAGISTRATE

FLYNT:

Can I interrupt you Mr. Flynt?

And and it puts you in violation of the law and I say this with all due respect your honor.

MAGISTRATE

Well Mr. Flynt you have the constitutional right to answer to the charges that are pending in California and to answer to them with speed and dispatch that the constitution accords to you in order to present your defense there. And that is a constitutional right that I am according to you.

FLYNT:

Your honor free expression is absolute.

MAGISTRATE

Yes.

FLYNT:

Justice Holmes says you can't scream fire in a crowded theatre. I say you can scream theatre even in a crowded fire. If a crime results from that that is the crime. But the flag, look freedom is not just limited.

MAGISTRATE

Mr. Flynt.

FLYNT:

To the Chicago Tribune you know.

MAGISTRATE

Mr. Flynt may I interrupt? I recognize that you have a particular philosophy that you are seeking indeed to make known to me. Uh, however uh I serve in the function of a judicial officer uh who is also bound by the constitution to accord you every constitutional right to which

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You are entitled if you have been charged. And I am granting you your constitutional right for a rapid, speedy hearing, by returning to Los Angeles so you may answer to those charges. The matter of First Amendment right, your Freedom to Religion is certainly not going to be aborted. That exists at all times and I'm confident that you will be able to satisfy that right when the time comes that you can so do it.

FLYNT:

Then your honor I move for a stay until I can petition the Seventh Circuit or the United States Supreme Court.

MAGISTRATE

Mr. Flynt this is a preliminary hearing, a preliminary hearing is not a constitutional right. I have accorded your desire to have that hearing uh held on the only issue that was to be determined. Is whether you are Mr. Flynt.

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b7C

FLYNT:

Yeah but you're a Federal Magistrate aren't you your honor?

MAGISTRATE

Yes.

FLYNT:

You could release me on my own recognizance if you wanted.

MAGISTRATE

I have made the judgment and the circumstances and the representations that were made to me on Sunday uh to set the bond as I set have set it and I think Mr. Flynt you have pursued to the preliminary

hearing and your own statement that you are the Larry Flynt who was charged in Los Angeles.

FLYNT:

Well your honor when I first came in your courtroom I spit on the same American flag so I demand that this court uh hold me here without bail.

MAGISTRATE

Uh Mr. Flynt you have had your hearing. I've determined from the hearing that you are the Larry Flynt and uh there will be an order that will remove you to Los Angeles, California with dispatch so that you may face those charges.

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b7C

FLYNT:

Your honor with all due respect I'm only trying -- let me finish please, I'm only trying to accomplish one thing and that's to dismantle the constitution that you're defending and the only way I can do that is to get back before the United States Supreme Court and say to them the same thing that I said before, because when I'm in a position of power to do it I'm not gonna put people like Sandra Day O'Connor and you in jail. I'm gonna build a glass cage over the Smithsonian Institute and sell tickets.

MAGISTRATE

Well Mr. Flynt...

b6
b7C

FLYNT:

They can come and see what you look like because you are representative of this tradition. See we come from a government not from constitution but by tradition and your continuing to

CG 180-28

MAGISTRATE

perpetuate that tradition by denying me my First Amendment rights.

If I may interrupt Mr. Flynt I have accorded you a great deal of leeway in allowing you to freely speak as you have spoken and uh uh if it's not germane to the hearing which I've had and where I've found that you are that individual who has been charged in Los Angeles, California and I unfortunately have other matters which are taking my time Mr. Flynt and I'm entering the order to remove you to Los Angeles.

b6
b7c

FLYNT:

Your honor I have no other alternative but to ask the FBI at some point to place you under arrest.

MAGISTRATE

Come on Mr. Flynt.

b6
b7c

GRAHAM:

Can I get security request may I please. Making a security request please. Mr. Flynt has the Chief of Security coming in (inaudible).

(Inaudible Conversation)

(Monitoring Discontinued)

MEMORANDUM

December 22, 1983

TO: SAC, WFO

FROM: SA [REDACTED] (SQD C-7)

SUBJECT: LARRY FLYNT;
[REDACTED]

INFORMATION CONCERNING

Reference: Memo dtd 12/21/83 to SAC from SSA [REDACTED]
[REDACTED] (SQD C-4).

On December 21, 1983, writer discussed the contents of referenced memo with Assistant United States Attorney (AUSA) [REDACTED] United States Attorney's Office (USAO), Washington, D. C.

AUSA [REDACTED] concurred with writer that the matter did warrant some follow-up in view of the current interest in Larry Flynt by the USAO, Washington, D.C., and by WFO in view of the current pending DOJ investigation (WF 72-274). Furthermore, it was his feeling that in view of the past extortion matter at WFO concerning allegations involving high government officials (WF 9-5068), the followup in captioned matter was indeed logical.

In view of the foregoing, writer intends to request a copy of an investigative report detailing actions taken by the Inspection Division of the United States Secret Service (USSS) with regard to information contained in referenced memo.

2 - WFO
JFC:jc
(2)

ASAC-C [Signature]

72-274-28

SEARCHED	INDEXED
SERIALIZED <i>mb</i>	FILED <i>mb</i>
DEC 22 1983	
FBI - WASH. FIELD OFFICE	

[Signature]

MEMORANDUM

December 22, 1983

TO: SAC, WFO

FROM: SA [REDACTED] (SQD C-7)

SUBJECT: LARRY FLYNT;
[REDACTED]

INFORMATION CONCERNING

Reference: Memo dtd 12/21/83 to SAC from SSA [REDACTED]
[REDACTED] (SQD C-4).

On December 21, 1983, writer discussed the contents of referenced memo with Assistant United States Attorney (AUSA) [REDACTED] United States Attorney's Office (USAO), Washington, D. C.

AUSA [REDACTED] concurred with writer that the matter did warrant some follow-up in view of the current interest in Larry Flynt by the USAO, Washington, D.C., and by WFO in view of the current pending DOJ investigation (WF 72-274). Furthermore, it was his feeling that in view of the past extortion matter at WFO concerning allegations involving high government officials (WF 9-5068), the followup in captioned matter was indeed logical.

In view of the foregoing, writer intends to request a copy of an investigative report detailing actions taken by the Inspection Division of the United States Secret Service (USSS) with regard to information contained in referenced memo.

2 - WFO (1-72-274)
JFC:jc
(2)

72-274-29

SEARCHED	INDEXED
SERIALIZED	FILED
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FBI - WASH. FIELD OFFICE	

XX AIRTEL

12/30/83

TO: SAC, LOS ANGELES
FROM: SAC, WFO (72-274) (P) (SQD C-7)

LARRY FLYNT;
INTERFERENCE WITH SUPREME COURT
OF THE UNITED STATES;
OOJ
(OO:WFO)

Enclosed for Los Angeles is one copy of a handwritten note allegedly written in behalf of Larry Flynt on or about November 8, 1983.

Captioned matter concerns a verbal outburst of obscenities by Flynt on November 8, 1983, at the U.S. Supreme Court, Washington, D.C. The verbal outburst by Flynt was addressed to the court and he was subsequently taken into custody by the U.S. Supreme Court Police. He was later charged by the United States Attorney's Office (USAO), Washington, D.C., with violation of Title 18, USC Section 1507 (Interfering, Obstructing, or Impeding the Administration of Justice). Subsequently, the matter was referred to WFO with the concurrence of the Bureau.

During the investigation, it has been determined that the original of the enclosure was written and directed to the court appointed counsel for Flynt, who was arguing the case before the court at the time. From interviews, it is believed that the note was in fact given to a Supreme Court employee in the Clerk's Office by [redacted] for Flynt. The USAO has requested that the factual origination of the note be determined.

b6
b7C

2-Los Angeles (Encl. 1)
①-WFO

JFC:act
(3)

72-274-30

mp

mp

WFO 72-274

LEAD

LOS ANGELES DIVISION

AT BEVERLY HILLS, CALIFORNIA. Locate and interview [redacted] 9465 Wilshire Boulevard, 8th Floor, telephone 218-278-1111, and using the enclosed copy to refresh his recollection, determine if in fact he wrote the note, if in fact he was acting on the direction of Flynt, and if he expected the court to grant the request.

It should be noted that WFO has telephonically contacted Isaacman and has determined that he is willing to cooperate fully in this matter.

b6
b7C



THE MADISON
Washington, D.C. 20005
(202) 862-1600

Larry Flynt requests
that you make the following
statement on his behalf
to the court:

"My client feels that
he is being denied counsel
of his choice, namely,
himself. Mr. Flynt is in
the gallery and is prepared
to address the court, if
permitted."

The MONTPELIER—Restaurant and Lounge
La PROVENCE—Coffee House
The RETREAT—English Pub

AIRTEL

1/5/84

TO: DIRECTOR, FBI (72-2976)
(ATTN: PUBLIC CORRUPTION UNIT, WCC SECTION, CID)
(ATTN: [REDACTED] FBI LABORATORY)

FROM: SAC, WASHINGTON FIELD OFFICE (72-274) (P) (SQD C-7)

b6
b7C

LARRY FLYNT;
INTERFERENCE WITH SUPREME COURT
OF THE UNITED STATES;
OOJ
CO:WFO

Re WFOtelcall to [REDACTED] Radio Engineering
Section, FBI Laboratory, January 4, 1984.

b6
b7C

Captioned matter concerns a verbal outburst of obscenities by Flynt on November 8, 1983, at the United States Supreme Court, Washington, D.C. The verbal outburst by Flynt was addressed to the Court and he was subsequently taken into custody by the U. S. Supreme Court Police. He was later charged by the United States Attorney's Office (USAO), Washington, D.C., with violation of Title 18, USC Section 1507 (Interfering, Obstructing, or Impeding the Administration of Justice). Subsequently, the matter was referred to WFO with the concurrence of the Bureau.

The verbal outburst by Flynt was recorded by the U. S. Supreme Court recording system. The original tape is in the custody of [REDACTED], Marshal of the Court. The verbal outburst by Flynt is contained only on a few feet of the magnetic tape. The Supreme Court provided WFO a cassette recording taken from the master tape (10 1/2" reel to reel containing 3,600 feet of tape) of the outburst.

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3-Bureau
(2) Washington Field

JFC:sgt
(5) *sgt*

72-274-31

mp

mb

ROR

WFO 72-274

The USAO has requested that the FBI develop enhancement from the original tape.

The Supreme Court has finally agreed to allow the FBI to bring required equipment into the Supreme Court in order to accomplish the requested enhancement. The Supreme Court will not allow the original tape to leave the premises of the Court.

REQUEST OF THE BUREAU

The Signal Analysis Unit, Radio Engineering Section, FBI Laboratory, is requested to perform the enhancement of that section of magnetic audio tape containing the verbal outburst made by Flynt. This should be coordinated with WFO Case Agent, SA [redacted] X-[redacted] as soon as practical.

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72-274-32

SEARCHED	INDEXED
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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

1/19/84

UNITED STATES OF AMERICA

v.

LARRY FLYNT

:
:
:
:
:

Criminal No. 83-0852 M

GOVERNMENT OPPOSITION TO DEFENDANT'S MOTION
TO DISMISS OR IN THE ALTERNATIVE FOR A
BILL OF PARTICULARS

The United States of America opposes the defendant's motion to Dismiss or in the Alternative for a Bill of Particulars and in support thereof represents the following:

On November 8, 1983, the dignity and decorum of the United States Supreme Court-pristine for nearly two centuries-was shattered by the deliberately outrageous conduct of the defendant. On that date, the defendant had been present in the courtroom of the Supreme Court during the oral argument in Keeton v. Hustler Magazine, Inc., et. al. (Docket No. 82-485)^{1/} Special preparation for the attendance of the defendant and his entourage had been made both because of his confinement to a wheelchair and other security-related considerations.

While the Court was in session, and as the Keeton argument concluded, the defendant suddenly began shouting the following lewd, obscene, profane and insulting epithets at the Justices:

^{1/} The defendant is the owner of Flynt Publications Inc., among whose publications is Hustler Magazine.

Attorney in Keeton:

----"in considerable measure has been part of the richness and greatness of this country. Thank you.

CHIEF JUSTICE:

Thank you gentlemen, the case is submitted. We'll hear arguments next in Calder against Jones and Ingalls.

LARRY FLYNT:

Fuck this Court - - you denied me counsel of my choice - - all because of one token cunt - - goddamn motherfuckers.

CHIEF JUSTICE:

Will you see that the Marshal - will you inform the Marshal to take that man into custody.

LARRY FLYNT:

(remarks made at same time Chief Justice makes previous remarks)
- - "goddamn motherfuckers"2/

Still shouting, the defendant was immediately wheeled from the courtroom by a United States Supreme Court police lieutenant at the command of the Chief Justice. Later that day, the defendant was charged in the instant information with the violation of 18 U.S.C. § 1507. He appeared before Magistrate Jean Dwyer of this Court where he displayed, albeit with a disclaimer,

2/ Since the Court was in session, its official tape recorder was engaged at the time of the defendant's vulgar and abusive harangue and captured the defendant's words. A recording of the actual event in cassette form is attached to this pleading as Exhibit A

an abusive vulgarism, i.e., "FUCK THIS COURT" obscenely etched upon the front of his shirt. November 8, 1983, transcript at 6-7, 12-13, 15, Exhibit B; see photograph Exhibit C

On November 23, 1983, the defendant appeared for arraignment on the instant information before Magistrate Dwyer and made elections both to have the magistrate conduct all proceedings in the case and to proceed pro se in the matter. By this date, the defense had also received full discovery in the case including both the transcript and the cassette which memorialized the defendant's expressive conduct in the Supreme Court on November 8, 1983. It is on such a record that the defendant now complains that the pending information against him is legally insufficient under Rule 7(c)(1) of the Federal Rules of Criminal Procedure or in the alternative that he is entitled to a written Bill of Particulars under Rule 7(f). Defendant thus posits his pleading on a premise rich in irony but destitute in apposite authority.

The policy underlying the application of Rule 7 is to guarantee that the charging instrument (1) contains the elements of the offense charged and (2) fairly informs the defendant of the charge against which he must defend so that he may plead an acquittal or conviction in bar of any future prosecution for the

same offense. Hamling v. United States, 418 U.S. 87, 117-119 (1974) The charging instrument is to be tested by practical rather than technical considerations, that is, whether it states the elements of the offense intended to be charged and adequately apprises the defendant of that which he must be prepared to meet. United States v. Contris, 592 F.2d 893, 896 (5th Cir. 1979)

The instant information does both. Indeed, it presents a paradigm of the "plain, concise, and definite written statement of the essential facts constituting the offense charge" required Rule 7(c)(1) of the Federal Rules of Criminal Procedure. ^{3/}

It contains each element of the offense; namely, an illegal demonstration within a building housing a court of the United States, conducted with the intent of interfering with, or obstructing or impeding the administration of justice.

^{3/} The Federal Rules of Criminal Procedure are to be construed to secure "simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. Rule 2. see United States v. Debrow, 346 U.S. 374, 376 (1953) [Rule 7(c)(1) designed to eliminate prolix indictments and to secure simplicity in procedure]

Of course, an information need not contain specific acts of illegality where, as here, a person of "normal intelligence would have fair notice of the conduct proscribed by the statute".

United States v. Conlon, 628 F.2d 150, 154 (D.C. Cir. 1980) The instant information is phrased substantially in the language of a statute which "fully, directly and unambiguously sets forth all of the elements of the offense" id. at 155; see United States v. Debrow, supra.; United States v. Ramos, 666 F.2d 469, 474, (2d Cir. 1982); United States v. Uni Oil Inc., 646 F2d 946 (5th Cir. 1981) 18 U.S.C. §1507 reads, in pertinent part:

Whoever, with the intent of interfering with,
obstructing, or impeding the administration of
justice . . . [resorts to any other demonstration]
. . . in or near a building housing a court
of the United States . . . shall be
fined not more than \$5,000 or confined for
more than one year or both.

The information also recites the statutory citation. Thus, the defendant is reduced to the fiction of alleging his ignorance of the charge against which he must defend, by claiming that he is "left in the dark as to what conduct is actually at issue and must be defended against at trial". (Defendant's mot. at 6) A

common sense view of the record in this case consistent with Rule 7 renders defendant's position unsupportable.

Thus, to paraphrase Debrow:

the charges in the instant information follow substantially the wording of the statute, which embodies all the elements of the crime, and such a charge clearly informs the defendant of that which he is accused, so as to enable him to plead the judgment in bar of any further prosecution for the same offense. It is inconceivable to us how the defendant could possibly be misled as to the offense with which he stand charged. The sufficiency of the information is not a question of whether it could have been more definite and certain.

346 U.S. at 377.

Finally, denied sufficient factual foundation and legal citation for his position, the defendant shifts from advocacy by amnesia to advocacy by alchemy. He creates a straw man and knocks him down. He argues that a 1507 violation must be "associated with parading or picketing". (Defendant mot. at 4 par. 8; at 5 par 8-10; at 6 par. 10-12; at 7 par. 13-14.) His

premise here too is fatally flawed. Congress passed 18 U.S.C. §1507 to insure the preservation of order and decorum at the Supreme Court because they are essential elements of due process of law. See, S. Rep. No. 719 81st Cong. 1st Sess. 2 (1949). "Words of a statute must be read as to effectuate the legislative purpose and this will often mean giving words a broad rather than a narrow reading." United States v. Conlon, supra, 628 F.2d at 156. Thus, the defendant's tortuous assay at constricting the clear language, i.e. "or resorts to any other demonstration" of §1507 to require a nexus to sound-trucks et. al. must fail in light of the clear intent of the Congress in its passage of such legislation.


Defendant in the alternative next asks the court to order the government to produce a bill of particulars so he can discover more precisely what he allegedly did wrong in the Supreme Court on November 8, 1983. Our response is three-fold. First, the function of a bill of particulars is to inform the defendant of the nature of charges against him and to prevent or minimize the element of surprise at trial. Wong Tai v. United States, 273 U.S. 77 (1927), United States v. Matlock, 675 F.2d 981 (8th Cir. 1982). Since the information is sufficient on its face to apprise the defendant of the charges against him, a bill of particulars is unwarranted. Second, in the case, sub judice, the defendant by November 23, 1983, received full discovery including the transcript

and cassette which captured his crime. Therefore, a bill of particulars would be a mere redundancy. Third, inquiry into the government's legal or evidentiary theory as to the means by which a defendant committed a specific criminal act is not a proper purpose for a bill of particulars. See e.g., United States v. Leonelli, 428 F. Supp. 880 (SDNY 1977); United States v. Bozza, 234 F Supp.15 (EDNY 1964), United States v. Kahaner, 203 F. Supp. 78 (SDNY) aff'd 317 F.2d (2d cir.) cert. denied, 375 U.S. 836 (1963).

WHEREFORE, we respectfully request the Court to deny both the defendant's motion to dismiss the information and his alternative motion for a Bill of Particulars.^{4/}

Respectfully submitted


JOSEPH E. DIGENOVA
UNITED STATES ATTORNEY


T. J. REARDON, III
Assistant United States Attorney
(202) 633-4987

^{4/} Defendant has also filed a motion captioned Brady Demand. We have no such evidence producible under Brady.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Opposition was mailed this 13th day of January, 1984, to Paul J. Cambria, Jr., Esquire, counsel for defendant Flynt, at Lipsitz, Green, Fahringer, Roll, Schuller & James, One Niagara Square, Buffalo, New York, 14202.

T. J. REARDON, III
Assistant United States Attorney
United States Courthouse
3rd & Constitution Avenue, N.W.
Washington, D.C. 20001
(202) 633-4897

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA



UNITED STATES OF AMERICA,

PLAINTIFF,

- v -

LARRY FLYNT,

DEFENDANT.

U.S. MAGISTRATE'S
NO. 83-0582

* * * * *

Tuesday, November 8, 1983

Washington, D. C.

The above-entitled matter came on for presentment
before the HONORABLE JEAN DWYER, United States Magistrate
Courtroom No. 10, commencing at approximately 3:30 p.m.

APPEARANCES:

TIMOTHY J. REARDON, Esq.
JOSEPH diGENOVA, Esq.
JOHN HUME, Esq.
On behalf of the Government

ALAN L. ISAACMAN, Esq.
DAVID KAHN, Esq.
On behalf of the Defendant

THIS TRANSCRIPT WAS PRODUCED BY C.A.T.
(COMPUTER AIDED TRANSCRIPTION)

MINDI L. COLCHICO
OFFICIAL COURT REPORTER
6808 U.S. COURTHOUSE
WASHINGTON, D. C. 20001

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1 You have a right not to discuss these charges with
2 anyone. If you do discuss the charges with anyone, except for
3 your own attorney, what you say to the person who is not your
4 lawyer can be used against you now or in the future.

5 You have the right to have a trial either before me
6 sitting as a United States Magistrate, or before a United
7 States District Court Judge, either with a jury or without a
8 jury.

9 In that connection, there are certain time limits
10 which I am sure your attorneys are familiar with, that I don't
11 think we really need to get into right now.

12 You have the right to have counsel, and obviously you
13 have exercised that right by retaining counsel who are present
14 here in court today.

15 Mr. Reardon, gentlemen, have I missed anything, as
16 far as the preliminaries go?

17 MR. REARDON: No, ma'am, I don't think you have.

18 MR. ISAACMAN: I don't think so.

19 MR. KAHN: I did not hear in terms of pro hac vice.

20 MR. ISAACMAN: We have praecipes filled out here and
21 we would ask the Court for permission to appear in Mr. Flynt's
22 behalf for this proceeding.

23 THE COURT: Counsel, you will, of course, under the
24 local rules, have to arrange for local counsel before you get
25 too much farther down the road, but certainly in light of the

1 rather abrupt nature of these proceedings, I will be happy to
2 have you proceed this afternoon at least on a pro hac vice
3 basis, unless there is some serious objection well-grounded by
4 the government.

5 Mr. Reardon?

6 MR. REARDON: There is no objection at all by the
7 government at this proceeding.

8 MR. ISAACMAN: Thank you, Your Honor.

9 May I approach the clerk?

10 THE COURT: Yes, give them to the clerk.

11 I will be glad to hear you on the issue of bond, Mr.
12 Reardon.

13 MR. REARDON: Perhaps, I should, Your Honor, if I
14 might, place on the record that I have had preliminary
15 discussions with defense counsel that may obviate the need for
16 a long discussion in this regard, but I would like to have them,
17 if I could, through the Court, do first so I may properly
18 answer, if I could.

19 THE COURT: Sure. Gentlemen? Just one, please.

20 MR. ISAACMAN: Thank you, Your Honor. Your Honor, is
21 it appropriate to approach the podium?

22 THE COURT: Either the podium or the table itself.
23 When I was in trial practice I used to hate the podium, but be
24 my quest.

25 MR. ISAACMAN: Thank you, Your Honor.

1 Your Honor, Mr. Flynt is a resident of California,
2 Los Angeles, California, specifically Bel Aire, California. He
3 has advised me of his intention to return here, willingly and
4 voluntarily, whenever the Court sets the next date.

5 He has, in my experience, and I have represented him
6 for five to six years now, never failed to appear when he said
7 he was going to appear in court.

8 THE COURT: With one possible exception. Wasn't he
9 required to appear in court last week?

10 MR. ISAACMAN: If I might, Your Honor, when he said
11 he was going to appear. He said from the beginning he wasn't
12 going to appear. As a matter of fact, the Court --

13 THE COURT: You did qualify that, counsel. I stand
14 corrected.

15 MR. ISAACMAN: The Court he was to appear in front of,
16 when he was brought in there, asked Mr. Flynt if he would agree
17 to appear the next time, which is on the 14th of this month.
18 Mr. Flynt said, "Yes." On Mr. Flynt's word, the Court released
19 him on his own recognizance.

20 I would urge the Court, Your Honor, to allow Mr.
21 Flynt to be released on personal recognizance in this matter.

22 Without going into the underlying nature of these
23 charges, I might just say that Mr. Flynt felt some frustration
24 in not being permitted to argue a case which he had pending
25 this morning in front of the Supreme Court. It was a case in

1 which the Court had granted cert. His counsel had resigned not
2 long before the case was heard. New counsel was discharged and
3 court-appointed counsel, not of Mr. Flynt's choosing, made the
4 oral argument.

5 Mr. Flynt requested to make the argument on his own
6 behalf. He is a party in that case. The Court denied the
7 request.

8 Mr. Flynt attended the proceedings, attempted to
9 convey to the Court again his willingness and preparation to
10 make the argument and the Court did not grant his request and
11 he felt frustrated, and whatever happened happened as a result
12 of that.

13 Mr. Flynt has indicated that he is prepared to write
14 a letter to the Court expressing his apology for the matter.

15 THE COURT: That, I think, we needn't go into just at
16 this point.

17 MR. ISAACMAN: Thank you. The point I am trying to
18 make is that Mr. Flynt is not attempting at all to resist these
19 proceedings and will return voluntarily. We would urge the
20 Court to allow him to be released on his personal recognizance.

21 THE COURT: Mr. Reardon.

22 MR. REARDON: Well, Your Honor, we would assume, in
23 light of Mr. Flynt's model behavior here this afternoon, that
24 his T-shirt refers to some other court, although I must say --

25 THE COURT: The Court sincerely hopes so.

1 MR. REARDON: -- it is a sign of the times perhaps
2 that courts need be so indulgent of such, I suppose, speech.

3 In regard to his bond, we have no objection to a
4 conditional release in this case. We would submit to the Court,
5 as we have discussed with counsel before this hearing occurred,
6 that perhaps it is best that Mr. Flynt stay away from the
7 Supreme Court for awhile, and we would like to have that be one
8 of the conditions of his release.

9 As I understand it, his counsel do not object to that.

10 THE COURT: It does not appear an unreasonable
11 objection. Indeed, it might be in his best interest as well as
12 everybody else.

13 MR. REARDON: We are also constrained to place on
14 this record, and do so without modulation of voice because it
15 is a report that is neither first or secondhand, and I have
16 told counsel ahead of time of my intention to do so because of
17 my constraints to do so, that Mr. Flynt in the past has
18 apparently issued words of threats to the lives of marshals who
19 perhaps were to serve him and bring him into custody on the
20 west coast.

21 As I understand it, those threats did not ripen into
22 anything else fortunately but these are the type of statements,
23 and today it was the type of conduct, as witnessed by many,
24 many people, that calls into serious question his respect for
25 the legal process and the authority of the Court, except when

1 he deems it in his best interest to abide by it.

2 It is for that reason that we use and support the
3 condition that he stay away from the Supreme Court and that he
4 may be very clear of his obligation to appear here and in any
5 other court to which he is now properly attached.

6 THE COURT: Gentlemen, do you wish to be heard
7 further?

8 MR. ISAACMAN: Your Honor, without getting into a
9 disagreement with Mr. Reardon over a matter which really is not
10 a major one as far as his release is concerned, I would urge,
11 at any rate, Mr. Reardon did indicate that Mr. Flynt's counsel
12 does not object to a condition that he not go back before the
13 Supreme Court, I take at least for the pendency of these
14 proceedings. We did not convey that to Mr. Reardon, although
15 Mr. Reardon did indicate that that was an intention of his to
16 request that that be a condition.

17 I understand, without having had a chance to really
18 discuss it with Mr. Flynt, that Mr. Flynt is not willing to
19 agree, as part of his release, not to go back in front of the
20 Supreme Court now. I understand that he has no intention to go
21 back in front of the Supreme Court now. It is the only case
22 that he had pending in front of the Supreme Court. I don't see
23 any reason why he would go back there.

24 THE COURT: Counsel, I get paid for cutting these
25 kind of knots. It does not appear to me to be an unreasonable

1 request and it will be a condition of his release. Mr. Flynt's
2 agreement is not necessary, although his promise to follow the
3 conditions, of course, is an essential ingredient of his
4 release on bond.

5 MR. ISAACMAN: Thank you, Your Honor.

6 THE COURT: Has there been any opportunity to discuss
7 with Mr. Flynt -- since he is not from this area, I am
8 reluctant to set a status call, which is normally what we do a
9 few days after someone is presented on a misdemeanor
10 information. But I hate to bring him all the way back from the
11 west coast for that purpose.

12 Has there been any discussion as to the forum in
13 which Mr. Flynt would prefer to be tried? As I indicated, the
14 Federal Rules are pretty clear on the point that it is his
15 option almost solely as to whether he wishes a District Court
16 judge or magistrate to try the case and as to whether it is to
17 be a jury or non-jury trial.

18 We will need to resolve that at some point, because
19 if it is going to be a trial before me eventually we are going
20 to have to set a trial date. If it will be a trial before a
21 District Court judge then the information must be filed in the
22 clerk's office and it will go on the wheel just as all other
23 cases filed in, let's say, the upper level of the District
24 Court.

25 MR. ISAACMAN: Your Honor, we have not discussed that

1 matter.

2 THE COURT: I am not trying to press you on it,
3 counsel. I am trying to get some notion of where you stand, if
4 at all, at this point.

5 MR. ISAACMAN: I am afraid we are not able to say.

6 THE COURT: I think your client would like to speak
7 to you.

8 MR. ISAACMAN: Thank you, Your Honor.

9 THE DEFENDANT: Your Honor --

10 THE COURT: Why don't you talk to your attorney for a
11 minute, Mr. Flynt.

12 MR. ISAACMAN: Your Honor, I think it is going to
13 warrant a little more discussion than we have had an
14 opportunity to have.

15 THE COURT: I have no problems with that at all,
16 counsel. We must set another date. We can't simply let the
17 case be dropped into the system and wander off somewhere,
18 because of the limitations of the Speedy Trial Act.

19 Mr. Reardon, can you give me any useful suggestions?

20 MR. REARDON: Your Honor, to just set a date, I take
21 it obviously Your Honor hasn't, which usually remains until the
22 last of your hearing, to actually arraign the defendant.

23 THE COURT: Until he elects which forum he is going
24 to be tried by, I think arraignment at this point might be
25 premature. If he elects to be tried before me, then, of course,

1 I will conduct an arraignment and set up a schedule for motions,
2 if any, and trial and so on.

3 If he elects to be tried before a District Court
4 judge, then it may well be that that judge would prefer to
5 conduct the arraignment. So I think it is better not to do it
6 this afternoon.

7 MR. REARDON: Very well, Your Honor.

8 THE COURT: I will certainly hear you, if there is
9 any compelling reason to do it.

10 MR. REARDON: No, it is just that this being his
11 presentment he has been notified of the charges against him, of
12 course, and that is the compelling reason for this procedure.

13 We suggest to the Court that perhaps there should be the
14 setting of a controlled date for this matter and by that date,
15 there should be some communication to the Court of the desire
16 of the defendant on how he wishes to proceed.

17 THE COURT: It might be, gentlemen, that the best way
18 to handle it, since local counsel must come into the case at
19 some point, is to set a status call before me towards the
20 latter part of this month, at which local counsel can convey to
21 me Mr. Flynt's desires. If he is going to elect trial before
22 me, the proper forms would be provided and will be executed.
23 If he elects a trial before the District Court, I will simply
24 certify it on to the District Court. That might save Mr. Flynt
25 a trip back from the west coast, which frankly is one of my

1 concerns.

2 MR. ISAACMAN: We appreciate that, and I think if the
3 Court would set it for the 21st of November, that would be
4 agreeable with our calendar.

5 THE COURT: That is fine.

6 Is that satisfactory with you, Mr. Reardon?

7 MR. REARDON: That is fine, Your Honor. I would say,
8 if I might add, for the record, that we would like to have, as
9 evidence, and of course have a right to place this on the
10 record, that T-shirt of Mr. Flynt's, and we would intend to
11 take it from him before he leaves the Court, and I think that
12 the civilized way to proceed is to make that once again a
13 condition of his release. I am sure his counsel would be able
14 to provide him with other clothing.

15 MR. ISAACMAN: Your Honor, I don't think we have
16 other clothing for Mr. Flynt to wear at this point.

17 MR. REARDON: We will find --

18 MR. ISAACMAN: I don't see how Mr. Flynt's clothing
19 can warrant the charge here as evidence of this charge. I
20 assume that he was talking about act of conduct rather than
21 some piece of clothing that he is wearing.

22 MR. REARDON: Your Honor, of course --

23 THE COURT: If that presents a problem, gentlemen, I
24 would assume somebody somewhere in our law enforcement system
25 has a camera.

1 MR. REARDON: Thank you, Judge.

2 THE COURT: That might perhaps be the simpler way to
3 handle it.

4 Very well, Mr. Flynt will be released on his own
5 recoqnizance but will not be required, unless he elects to do
6 so, to return here for the status call on the 21st of this
7 month. If he elects to do so, of course, he is entirely free.
8 If not, then he will simply be required to return to court at
9 whatever date the Court advises him he is due back here.

10 There will be a requirement for a weekly call to
11 pretrial services. Do we have those forms?

12 By the 21st, gentlemen, I would like some commitment
13 one way or the other. It doesn't matter which way it goes. I
14 need to know so we can keep the case moving.

15 MR. ISAACMAN: Could we have a time on that, Your
16 Honor?

17 THE COURT: 9:30. Gentlemen, you also will be given
18 a copy of the release conditions, which will contain all of the
19 relevant information.

20 MR. ISAACMAN: Thank you, Your Honor.

21 THE COURT: Counsel for both sides, as well as Mr.
22 Flynt personally, will be given copies of the release
23 conditions in just a moment, and I will discuss them briefly
24 with Mr. Flynt.

25 THE CLERK: Mr. Flynt, you are going to be released

1 on your own personal recognizance. Your very next court date
2 is scheduled for November 21st in this courthouse, Courtroom 26.
3 In addition to that, you are required to report weekly to the
4 Pretrial Services Agency, and you will get the number here, and
5 you are to stay away from the Supreme Court.

6 Do you have any questions about any of that?

7 THE DEFENDANT: I don't have any questions. I have a
8 statement I would like to make, if the Court will permit me.

9 THE COURT: I think, again, you better consult with
10 counsel first, Mr. Flynt. It is not that I am not willing to
11 hear any litigant who appears before me. On the other hand, it
12 may well be that your attorneys at this point would feel that a
13 statement would be either inadvisable or premature. I strongly
14 suggest that you have a word with them first, if you would,
15 please, privately, privately.

16 Mr. Flynt, you need to sign the conditions of release
17 or unfortunately I will not be able to sign it myself and then
18 we will have some problems.

19 Gentlemen, it would be very helpful if you would
20 arrange to have whoever is going to be your local counsel
21 contact my chambers either next Thursday or Friday, just so we
22 will know who is going to be representing Mr. Flynt, and then
23 we will get a praecipe from him when he actually appears before
24 the Court, he or she actually appears before the Court.

25 MR. ISAACMAN: We will do that, Your Honor.

1 Mr. Flynt has told me what he wishes to say, to
2 address to the Court. He has told me he has a very short
3 statement and he would like permission to address the Court.

4 THE COURT: I certainly have no problems with it so
5 long as, in your view, it will not involve him in any more
6 trouble than he has already.

7 Mr. Flynt.

8 THE DEFENDANT: Your Honor, I would like to apologize
9 to you for wearing this T-shirt today. Had the Supreme Court
10 granted me the courtesy and been as nice to me as you have and
11 allowed me to speak as I am addressing you now, I would not
12 have done what I did in the Supreme Court.

13 I have been fighting the battle for the First
14 Amendment for ten years. Abbey Hoffman once said that you can
15 scream in a theater, in a crowd, "fire". Larry Flynt is trying
16 to say that same thing today. Nobody was listening to Abbey
17 then. I hope they will listen to me now.

18 If I have offended you, once again, I apologize. It
19 was not my intent to show contempt. I have done my damndest
20 not to. Thank you.

21 THE COURT: Except for the last statement, Mr. Flynt,
22 I thank you very much.

23 Mr. Flynt, you have been given a copy of your release
24 conditions. You are absolutely obliged to follow them, because
25 any failure to follow your release conditions could result in

1 an application by the prosecution for a change in these
2 conditions.

3 The most important condition of all is that you must
4 be back in court. Now, as I said, you don't have to be here on
5 the 21st, because that will be more of a technical proceeding
6 to decide exactly what you want to do and where we go from here.
7 You are welcome to be here, however. I do not mean that in any
8 fashion you would be precluded from attending. It is just that
9 I am not going to require you to come back unless you have some
10 particular reason for wanting to.

11 However, on the date when you are advised that you
12 must be in court, that becomes an absolute obligation and any
13 deliberate failure to attend court, when you have been notified
14 that you are due here, under the conditions of this release is
15 a separate offense brought under the Bail Reform Act of the
16 laws of Congress, and a conviction for that could result in a
17 prison term of as much as a year, a fine of as much as \$1,000
18 or both, even were the information filed with me this afternoon
19 to be dismissed.

20 So please be sure that you are here when counsel
21 advise you that you are due here. You will also be notified by
22 other means as well. But keep in very close touch with counsel.

23 In that connection, you must advise both your
24 attorneys and pretrial services, whose number is on that piece
25 of paper, if you change your address or your telephone number.

1 Do you understand your release conditions, sir?

2 THE DEFENDANT: I understand.

3 THE COURT: Do you agree to abide by them?

4 THE DEFENDANT: No, I do not.

5 THE COURT: Mr. Flynt, if you don't agree to follow
6 the conditions of release, I can't release you. It is that
7 simple.

8 THE DEFENDANT: You have your decisions to make. Your
9 Honor, and I have mine to make. Free expression is absolute.
10 The First Amendment is the most important amendment of the
11 constitution. It cannot be compromised. You do not have a
12 right to compromise it. Neither does the Supreme Court have a
13 right to compromise it, and when I am the next president
14 anybody that is responsible for perverting the constitution of
15 this great land will be put in a glass cage and I will sell
16 tickets so people can come to Washington and see what evil
17 perverts really look like, who have been perverting the
18 constitution of this great land and denying us individual
19 liberties and civil rights for over 200 years.

20 It is beyond me to understand how a country founded
21 on the printed word that over 200 years later someone can still
22 be questioning what book you might read, what movie you might
23 see, or what T-shirt you might wear.

24 THE COURT: Mr. Flynt, the only limitation on your
25 actions is that you are not to go to the Supreme Court building.

1 I have not and would not attempt to place any limitations
2 whatsoever on what you say. That is not contained in your
3 release conditions. The sole restriction is the prohibition
4 against returning to the Supreme Court building.

5 Now, if you are willing to promise me that you will
6 follow the conditions of release, you will be released
7 immediately. If not, I will have to do something else for a
8 bond.

9 Would you talk with your attorneys for a moment,
10 please.

11 MR. ISAACMAN: Your Honor, may I just request the
12 Court to make this one modification: Mr. Flynt wants the
13 ability to attend the Supreme Court if they decide to hear
14 another case of his. There is no case pending in front of the
15 Supreme Court, and I can't foresee that that would happen while
16 this case in this court is pending, but if he is a litigant and
17 they take a case of his, none of which are currently on cert or
18 even cert being requested, petition for cert being requested of
19 the Supreme Court, if they take a case of his he wants the
20 right to attend that proceeding.

21 Subject to that condition, that if they accept the
22 case and set an oral argument for a date during the pendency of
23 these proceedings, he wants to be able to attend, subject to
24 that condition, he will agree not to go to the Supreme Court
25 while this case is pending.

1 MR. REARDON: It is a hypothetical, of course, if
2 there is a case that is on the docket to be heard.

3 THE COURT: There is not apparently. There isn't
4 even a petition for certiorari.

5 MR. REARDON: I understand. That is why it is a
6 hypothetical, but let me address it, if I might, and say that
7 at the appropriate time he can move--

8 THE COURT: It seems to me the appropriate way --
9 exactly. I was going to say it seems to me the appropriate way
10 to deal with that is just to apply to me for modification of
11 bond. I cannot conceive of any conditions under which I would
12 tell a litigant that he could not appear for a court in which
13 his case was pending.

14 MR. ISAACMAN: Subject to that condition then, Your
15 Honor, that is what we will do. We will apply to the Court for
16 modification of the bond if the case is taken in front of the
17 Supreme Court.

18 THE COURT: I was just reappointed for eight years
19 not too long ago, so I hope to be around for a while. I think
20 this case will be long gone by then.

21 Mr. Flynt, would you be so kind as to raise your
22 right hand, please, sir.

23 MR. ISAACMAN: Could Mr. Flynt have an affirmation,
24 Your Honor?

25 THE COURT: Certainly.

1 DEPUTY CLERK: Will you affirm to follow the terms
2 and conditions set forth in your release report?

3 THE DEFENDANT: I do.

4 THE COURT: I will see counsel on the 21st. Whether
5 Mr. Flynt comes or not is entirely his election. Good
6 afternoon.

7 (Whereupon, at 3:55 p.m., the presentment in the
8 above-entitled case was recessed.)

9 * * *

10
11
12
13 REPORTER'S CERTIFICATE

14 This record is certified by the undersigned to be the
15 official transcript in the above-entitled case.

16
17 *Mandi G. Gilchrist*
18 OFFICIAL COURT REPORTER
19
20
21
22
23
24
25

GOVERNMENT
EXHIBIT
C



PHOTOGRAPH
C. C. S. T. A.

LA011 262241Z

RE HQ CG NO SI IMF

DE LA

P 262241Z JAN 84

FM LOS ANGELES (OC-3)(P)

TO DIRECTOR PRIORITY

CHICAGO (182-28)(INFO) ROUTINE

NEW ORLEANS (INFO) ROUTINE

SPRINGFIELD (INFO) ROUTINE

WFO (72-274)(INFO) ROUTINE

BT

UNCLAS

ATTENTION: BUREAU SUPERVISOR OCS/CID.

JOHN ZACHARY DE LOREAN; ET AL; NARCOTICS MATTER - OCDE

TASK FORCE CASE; OO: LOS ANGELES; LA FILE 245C-74.

LARRY FLYNT, AKA; DESECRATION OF THE FLAG; ILLEGAL WEARING
OF MILITARY DECORATION; OO: LOS ANGELES; LA FILE 132-113.

FOR INFORMATION OF FBIHQ, ENHANCED COPIES OF "NOVEL
TAPES" RECEIVED FROM TECHNICAL SERVICES DIVISION ON JANUARY
23, 1984. TAPES ARE CURRENTLY BEING TRANSCRIBED AND SHOULD BE
COMPLETED THE WEEK OF JANUARY 30, 1984. AUGAS LOS ANGELES

72-274-33
SEARCHED INDEXED
SERIALIZED FILED

JAN 26 5 53 PM '84

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PAGE TWO (LA 243C-74 AND 183-113) UNCLAS

WILL REVIEW TAPES AND TRANSCRIPTIONS AS THEY ARE COMPLETED AND MAKE A DETERMINATION OF WHAT USE, IF ANY, WILL BE MADE OF THEM.

ARGUMENTS ON DEFENSE MOTION FOR DISMISSAL FOR PRE-JUDICIAL PRETRIAL PUBLICITY SCHEDULED FOR JANUARY 23, 1984, WERE PUT OVER TO FEBRUARY 13, 1984, IN ORDER TO GIVE U.S. DISTRICT JUDGE ROBERT M. TAKASUGI AN OPPORTUNITY TO REVIEW VOLUMINOUS MATERIAL WHICH HAD APPEARED IN THE MEDIA AND WHICH WAS SUBPOENAED BY THE DEFENSE.

ON JANUARY 19, 1984, AUSA, LOS ANGELES, FILED MOTION FOR PRETRIAL DETERMINATION OF AUTHENTICITY OF THE "THREAT TAPE." THE MOTION REQUESTS THAT THE ISSUE OF AUTHENTICATION BE RESOLVED PRIOR TO TRIAL AND COULD BE ACCOMPLISHED WITHOUT THE NECESSITY OF AN EVIDENTIARY HEARING BY THE FILING OF AFFIDAVITS BY [REDACTED] AND JOHN DE LOREAN SETTING FORTH (1) WHETHER THE ALLEGED "THREAT" CALL IN FACT OCCURRED; (2) ALL DETAIL KNOWN CONCERNING THE DATE, TIME, AND ALL OTHER INFORMATION CONCERNING THE ALLEGED "THREAT" CALL, INCLUDING THE WORDS USED; (3) WHETHER THE "THREAT TAPE"

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PAGE THREE (LA 245C-74 AND 182-1113) UNCLAS

IS IN FACT AN ACCURATE RECORDING OF THE "THREAT" CALL;

(4) WHATEVER DETAIL IS KNOWN CONCERNING THE "THREAT TAPE," INCLUDING INFORMATION ABOUT HOW, WHEN, WHERE AND BY WHOM IT WAS MADE OR RECORDED; AND (5) WHATEVER IS KNOWN ABOUT HOW THE TAPE CAME TO PUBLIC ATTENTION.

MOTION FURTHER ASKS THAT IF THE NON-AUTHENTICITY CANNOT BE DETERMINED BY THESE AFFIDAVITS, AN EVIDENTIARY HEARING SHOULD BE HELD PRIOR TO TRIAL IF DEFENDANT INTENDS TO OFFER TAPE AT TRIAL. ON JANUARY 23, 1984, U.S. DISTRICT JUDGE TAKASUGI ORDERED DEFENSE TO RESPOND TO THIS MOTION BY JANUARY 30, 1984, AND SET FEBRUARY 3, 1984, TO HEAR ARGUMENTS. WHETHER AFFIDAVITS WILL BE ORDERED OR AN EVIDENTIARY HEARING HELD WILL BE DECIDED ON OR AFTER FEBRUARY 3, 1984.

REGARDING LARRY FLYNT;

FOR THE INFORMATION OF FBIHQ, COMPETENCY EXAMINATION FOR FLYNT AS ORDERED BY U.S. DISTRICT JUDGE CONSUELLO MARSHAL HAS BEEN COMPLETED AT MEDICAL FACILITY AT

PAGE FOUR (LA 245C-74 AND 137-113) UNCLAS

SPRINGFIELD. ON JANUARY 26, 1984, FLYNT TO BE TRANSPORTED TO LOS ANGELES, ARRIVING ON JANUARY 27, 1984. SE DAY CONTEMPT OF COURT SENTENCE BY CHIEF U.S. DISTRICT JUDGE FRANK MC GARR, CHICAGO, EXPIRES JANUARY 27, 1984; HOWEVER, FLYNT TO REMAIN IN CUSTODY ON NO BAIL ON 182 MATTER.

ON JANUARY 30, 1984, FLYNT TO APPEAR BEFORE U.S. DISTRICT JUDGE MARSHAL ON THE 183 MATTER. RESULTS OF COMPETENCY EXAMINATION WILL BE MADE KNOWN AT THAT TIME, AND A MOTION ON THE MATTER OF BAIL WILL BE HEARD. IF FOUND COMPETENT, PLEA WILL BE ENTERED AND TRIAL DATE SET.

ALSO ON JANUARY 30, 1984, FLYNT IS TO APPEAR BEFORE CHIEF U.S. DISTRICT JUDGE MARSHAL REAL, LOS ANGELES, ON AN ORDER TO SHOW CAUSE IN REGARDS TO CONTEMPT, WHICH STEMS FROM FLYNT'S OUTBURST OF OBSCENITIES WHILE BEING ARRAIGNED DECEMBER 12, 1983, BEFORE U.S. MAGISTRATE JAMES J. MC NAHEN, LOS ANGELES, ON THE 183 MATTER.

BUREAU WILL BE KEPT ADVISED.

BT

#

TRANSMIT VIA: AIRTELCLASSIFICATION: UnclasDATE: 2/13/84FROM: Director, FBITO: SAC, Washington Field Office (72-274)

LARRY FLYNT; INTERFERENCE WITH
SUPREME COURT OF THE UNITED STATES;
OBSTRUCTION OF JUSTICE;
OO: WFO

Washington Field Office is directed to forward within 30 days an airtel with an LHM (original and three copies), suitable for dissemination, updating the captioned investigation and including a prosecutive opinion.

In the event this investigation is in a closed status, submit closing communication to include LHM in compliance with the Manual of Investigative Operations and Guidelines, Section 194-5(6), p. 922.04.

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2/14/84 [redacted] FBIHQ
OF Schedule status during
@WOC 2/17/84. [redacted] LHM to follow
[redacted] LHM to follow
2/17/84 Admin SSA [redacted] LHM to follow
had been rescheduled & [redacted] LHM to follow
3/20 Admin SSA [redacted] LHM to follow
[redacted] LHM to follow
4/12/84 Admin SSA [redacted] LHM to follow
[redacted] LHM to follow
[redacted] LHM to follow

72-274-34

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 16 1984	
FBI/DOJ	

AIRTEL

Unclass

2/13/84

Director, FBI

SAC, Washington Field Office (72-274)

LARRY FLYNT; INTERFERENCE WITH
SUPREME COURT OF THE UNITED STATES;
OBSTRUCTION OF JUSTICE;
OO: WFO

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72-274-27

SEARCHED	INDEXED
SERIALIZED	FILED
FEB 14 1984	
FBI - WASHINGTON FIELD OFFICE	

Memorandum



To : SAC, WFO (72-274) (P)

Date 2/14/84

From

SA [redacted] (c-7)

Subject :

LARRY FLYNT;
OOJ;
(OO:WFO)

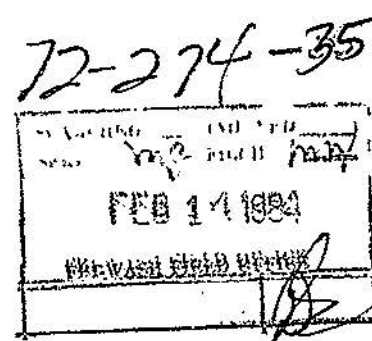
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The attached material was provided by [redacted]
Counsel to the President, to SA [redacted] White House
Liaison, who in turn provided it to SA [redacted] It is
understood that [redacted] gave the material to [redacted] on 1/31/84
at the White House.

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SA [redacted] provided the material to writer on 2/9/84.

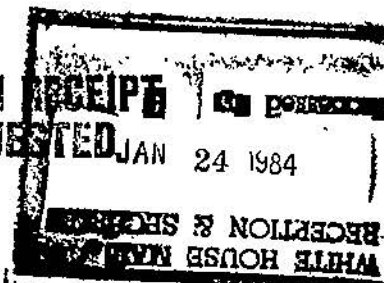
1-WFO
JFC:jc
(1)



RETURN RECEIPT
REQUESTED



RETURN RECEIPT
REQUESTED




Larry Flynt Publications

2029 Century Park East

Suite 3800

Los Angeles, CA 90067

(213) 556-9200


Attorney to President Reagan
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20501

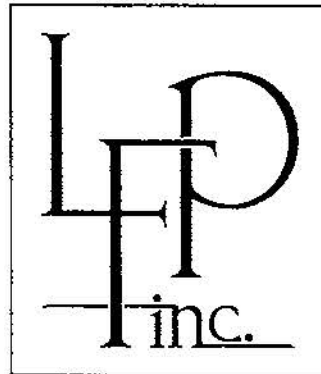
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CERTIFIED

P 291 476 531

MAIL

Processed by:



LARRY FLYNT PUBLICATIONS

January 25, 1984

[Redacted]
Attorney to President Reagan
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20501

Dear [Redacted]

I think we should talk.

Sincerely,

Larry C. Flynt/LC
LARRY C. FLYNT

LF/kc
dictated but not read

enclosure

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00-51364

1984 \$2.95

SPECIAL ISSUE

The Rebel

THE NEWSWEEKLY WITH A CAUSE

THE MURDER OF
VICKI MORGAN

INSIDE THE
AMERICAN
NAZI PARTY

WALL STREET
DRUG TRADE

VIDEO
PIRACY

LOBBYING FOR
NUCLEAR WAR



The Rebel

The newsweekly with a cause



Inside the American Nazi Party 24

By Peter Lake

A Nazi defector helps a REBEL journalist infiltrate the radical right.



Who Killed Vicki Morgan?

Part II 32

By William Turner

In February, Marvin Pancoast will stand trial for a murder he did not commit. He had no motive. There is little physical evidence against him. Everything points to another killer. Who?

Film

Sudden Impact • Scarface • Uncommon Valor

6

clear war • Genetic Godzilla • Under-reporting unemployment • 007 claims—U.S. will ask for compensation for victims

Media

All Things Considered?
By John Motovalli

10

The Secret of Flight 007 44

By Don Freed

The KAL flight over Soviet airspace was planned.

Books

Going All the Way • Femininity

12

Philippine Thugs in the U.S.

49

By Gary Goodrich

With Reagan Administration collaboration, President Ferdinand Marcos has dispatched agents to harass and murder exiled Philippine liberation leaders.

Theater

A Private View

16

Rebel Round-Up 18

Late news from the political/criminal world-at-large.

18

Killer Toys: an Interview with Edward Swartz 52

Rebel News 20

ACLU to fight White House political visa curbs • Government stockpiles heroin for nu-

20

A Boston attorney is fighting the manufacturers of dangerous toys.

C-7

**FBI
TECHNICAL SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Washington Field (72-274) (SQD C-7)

February 22, 1984

✓ From: Director, FBI

FBI FILE NO. 72-2976

LAB. NO. 40116006 E VT

Re: LARRY FLYNT;
INTERFERENCE WITH SUPREME COURT
OF THE UNITED STATES;
OOJ
OO: WFO

Examination requested by: SAC, Washington Field

Reference: Airtel dated January 5, 1984

Examination requested: Enhancement


Remarks: The enhancement examination was conducted by SA




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b7C

Enclosures 2 ^{off} (2 Technical Services Division Reports)

72-274-36

SEARCHED.....	INDEXED.....
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FEB 23 1984	
OFFICE 	



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ADMINISTRATIVE PAGE

Do Not Include Administrative Page Information In Investigative Report

FBI
TECHNICAL SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535

To: SAC, Washington Field (72-274) (SQD C-7) February 22, 1984

From: Director, FBI

FBI FILE NO. 72-2976

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Re: LARRY FLYNT;
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Enclosures 2 (2 Technical Services Division Reports)

ADMINISTRATIVE PAGE

Do Not Include Administrative Page Information In Investigative Report

72-274-36

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FEB 23 1984	
FBI - WASH. FIELD OFFICE	

**REPORT
of the
FBI
TECHNICAL SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Washington Field (72-274) (SQD C-7)

February 22, 1984

FBI FILE NO. 72-2976

LAB. NO. 40116006 E VT

Re: LARRY FLYNT;
INTERFERENCE WITH SUPREME COURT
OF THE UNITED STATES;
OOJ

Specimens received January 18, 1984

Q1 One Ampex 30 magnetic tape cassette marked in part
"SA [redacted]"

b6
b7C

Result of examination:

Two enhanced copies were made of Q1, with one copy on a Maxell C30 magnetic tape cassette using Dolby B noise reduction encoding, and the second copy on a 5-inch reel of magnetic tape at a recording speed of 3 3/4 inches per second in a full-track configuration.

In order to obtain maximum intelligibility, the enhanced reel copy should be played on a good tape player with a comparable track configuration and should be reviewed using high-quality headphones.

Q1 and the enhanced copies of Q1 were personally delivered to SA [redacted] on January 19, 1984.

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72-274-37

SEARCHED

17

7

**REPORT
of the
FBI
TECHNICAL SERVICES DIVISION
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C. 20535**

To: SAC, Washington Field (72-274) (SQD C-7)

February 22, 1984

FBI FILE NO. 72-2976

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INTERFERENCE WITH SUPREME COURT
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Q1 and the enhanced copies of Q1 were personally delivered to SA [redacted] on January 19, 1984.

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72-274-30

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
FEB 23 1984	
FIELD OFFICE	

[redacted] 1984

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(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

THE WASHINGTON POST

Date: 3/15/84
Edition:

Title: LARRY FLYNT

Character: OOJ
or
Classification:
Submitting Office: WFO

Indexing:

A12 ... R Thursday, March 15, 1984 THE WASHINGTON POST

Jailed Publisher Threatens Reagan

ATLANTA, March 14 (UPI)—Larry Flynt, the paralyzed publisher of Hustler magazine, said in a jailhouse interview today that he has issued a contract to kill President Reagan. In Washington, the Secret Service said it was investigating.

In a telephone interview with Cable News Network, Flynt also said he knew who was responsible for the Nov. 7 bombing of the Capitol, but denied any personal involvement.

"One thing I will confess to, I have confessed to putting a contract out on President Reagan's life. I want to kill him . . .," he said in the inter-

view from federal prison in Butner, N.C., where he is serving a 15-month sentence for contempt of court.

A spokesman for the Secret Service said "we will investigate it like any other threat."

CNN also said federal investigators believe that Flynt or members of his pornography empire may have masterminded the bombing of the Capitol.

Two security guards who once worked for Flynt have told federal authorities they believe that an aide to Flynt was behind the bombing, CNN reported.

72-274-39

SEARCHED	INDEXED
SERIALIZED	FILED
MAR 15 1984	
FBI - WASH. FIELD OFFICE	
[Signature]	

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AIRTEL

3/22/84

TO: DIRECTOR, FBI
FROM: SAC, WASHINGTON FIELD OFFICE (89C-921)

LARRY FLYNT,
dba Flynt Publications, Inc.;
INFORMATION CONCERNING FLYNT'S
PLAN TO BLOW HIMSELF UP DURING
HIS APPEARANCE BEFORE THE
U.S. SUPREME COURT IN
NOVEMBER, 1983;
CCSCAKA (U.S. SUPREME COURT -
ALL MEMBERS);
OO:WFO.

On 3/21/84, a video tape was received via certified
mail at the Washington Field Office from [REDACTED]
The tape is of extremely poor quality. The tape depicts a male
and a female engaged in sexual acts but it is not possible to
see the faces of the participants. The tape is being maintained
in the files at WFO.

b6
b7C

- 2 - Bureau
- 2 - Los Angeles
(1-245C-74)
(1-180-113)
- ② - Washington Field Office
(1-72-274)

RJH:new
(6) *msu*

72-274-40

CS

Memorandum



To : SAC, WFO (72-274)

Date 3/23/84

From : SA [redacted] (Sqd C-7)

Subject : LARRY FLYNT;
OOJ
(OO:WFO)

b6
b7C

On 3/21/84 writer obtained the attached copy of a letter from [redacted] addressed to [redacted]
[redacted]

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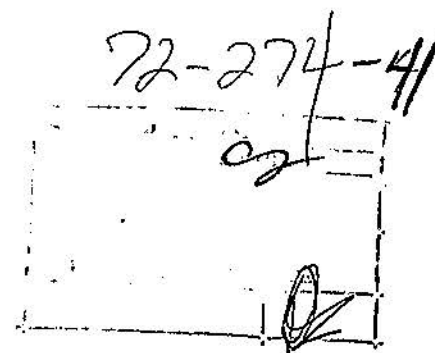
Writer also obtained a copy of an internal report prepared by the USSS relative to Henebry and his contact with Pascal and the apparent transfer of a video cassette tape allegedly prepared by associates to Flynt. The video cassette was supposedly given to [redacted] reportedly turned the cassette over to his superior, Captain [redacted] who thereafter reported that he lost the cassette sometime after viewing it.

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The attached report was obtained at the request of AUSA [redacted] and a copy of the report and letter were provided to AUSA [redacted] by writer on 3/22/84.

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①-WFO
JFC:jc
(1) *jc*



FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☒ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date 4/12/84

FM FBI WASHINGTON FIELD (72-274) (P) (SQUAD C-7)
 TO DIRECTOR FBI (72-2976) PRIORITY

LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

CHICAGO (180-28) (INFO) ROUTINE

BT

U N C L A S

LARRY FLYNT; INTERFERENCE WITH SUPREME COURT OF THE UNITED
 STATES; OBSTRUCTION OF JUSTICE; OO:WFO

FOR THE INFORMATION OF THE BUREAU AND RECEIVING OFFICES
 ON 4/12/84, LARRY FLYNT, HAVING BEEN INCARCERATED AT FORT
 BUTNER, NORTH CAROLINA, APPEARED BEFORE UNITED STATES MAGISTRATE
 JEAN F. DWYER, WASHINGTON, D. C., FOR A HEARING REGARDING
 CAPTIONED MATTER.

AT THE OUTSET OF THE PROCEEDINGS, EXECUTIVE ASSISTANT
 UNITED STATES ATTORNEY [REDACTED] REQUESTED
 MAGISTRATE DWYER TO RULE ON THE COMPETENCY OF FLYNT. FLYNT,
 AS COUNSEL PRO SE, RESPONDED WITH A FIFTEEN OR TWENTY MINUTE
 PRESENTATION OF HIS BACKGROUND, CLAIMING IN THE END TO BE

①-WFO

JFC:mbf

(1) *mg*

72-274-42

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b7cApproved: *3/11/84*

Transmitted

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(Time)

Per *JMV*

FBI

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- ☐ Teletype
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PRECEDENCE:

- ☐ Immediate
☐ Priority
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CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
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☐ UNCLAS

Date _____

PAGE TWO DE WF #0058

U N C L A S

COMPETENT AND THAT HE HAD BEEN EVALUATED AT FORT BUTNER AND FOUND TO BE COMPETENT.

DURING THE PROCEEDINGS, FLYNT WAS NOT HOSTILE, HOWEVER, HE DID USE PROFANITY AND WAS OTHERWISE OFFENSIVE BUT THIS WAS TOLERATED BY THE MAGISTRATE. HE ALSO CLAIMED TO HAVE EVIDENCE CONCERNING THE ASSASSINATION OF PRESIDENT KENNEDY AND THAT FORMER PRESIDENTS NIXON AND FORD CONSPIRED TO COVER UP THE TRUE FACTS OF THE ASSASSINATION. HE ALSO CLAIMED TO RELEVANT PHOTOGRAPHS OF THE ASSASSINATION ALONG WITH THE SECRET TESTIMONY OF JACKIE ONASSIS BEFORE THE WARREN COMMISSION. HE MADE A STATEMENT THAT HE WAS OFFERING THESE TO THE FBI AS WELL AS VICKIE MORGAN SEX TAPES INVOLVING PRESIDENT RONALD REGAN.

MAGISTRATE DWYER ADVISED THAT SHE WAS NOT SATISFIED WITH THE PSYCHIATRIC EVALUATION OF FLYNT AT SPRINGFIELD, ILLINOIS. BUT ACKNOWLEDGED SHE HAD NOT READ TWO PSYCHIATRIC REPORTS PREPARED AT FORT BUTNER. SHE THEREAFTER ORDERED FLYNT TO BE EVALUATED AT ST. ELIZABETH'S HOSPITAL, WASHINGTON, D.C., AND SET A DATE OF 5/30/84, FOR ANOTHER HEARING TO RULE ON THE COMPETENCY OF FLYNT.

Approved: _____ Transmitted _____ Per _____
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- ☐ Immediate
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CLASSIFICATION:

- ☐ TOP SECRET
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☐ UNCLAS

Date _____

PAGE THREE DE WF #0058

U N C L A S

NO INVESTIGATION IS OUTSTANDING AT WASHINGTON FIELD
CONCERNING CAPTIONED MATTER.

WASHINGTON FIELD WILL FOLLOW AND REPORT PROSECUTION.

LHM TO FOLLOW.

BT

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FM FBI WASHINGTON FIELD (72-274) (P) (SQUAD C-7)

TO DIRECTOR FBI (72-2976) PRIORITY

LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

CHICAGO (180-28) (INFO) ROUTINE

BT

U N C L A S

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PAGE TWO DE WF 0058

U N C L A S

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PAGE THREE DE WF 0058

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WASHINGTON FIELD WILL FOLLOW AND REPORT PROSECUTION.

LHM TO FOLLOW.

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FM FBI WASHINGTON FIELD (72-274) (P) (SQUAD C-7)

TO DIRECTOR FBI (72-2976) PRIORITY

LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

CHICAGO (180-28) (INFO) ROUTINE

BT

U N C L A S

LARRY FLYNT; INTERFERENCE WITH SUPREME COURT OF THE UNITED STATES; OBSTRUCTION OF JUSTICE; OO:WFO

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72-274-42

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1334555-1

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PRECEDENCE:

☐ Immediate
☐ Priority
☒ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
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☒ UNCLAS 6/27/84

Date _____

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FM WASHINGTON FIELD (72-274) (P) (C-7)

TO DIRECTOR, FBI (72-2976) (PRIORITY) *1147/p*

ATTN: PUBLIC CORRUPTION UNIT, WCC SECTION, CID

FBI, LOS ANGELES (180-113) (245C-74) (INFO) (ROUTINE) *5³⁰/A*FBI, CHICAGO (180-28) (INFO) (ROUTINE) *1118/p*

BT

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F
 LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED STATES; OOJ; OO:WFO

ON 6/26/84, UNITED STATES MAGISTRATE JEAN DWYER, WASHINGTON, D.C., RULED THAT SUBJECT LARRY FLYNT IS COMPETENT TO STAND TRIAL IN CAPTIONED MATTER.

ON 6/27/84, MAGISTRATE DWYER SET A TRIAL DATE OF 7/17/84.

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DFS:kdb
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*7/16/84 Medical Continuance
 Granted by USM Dwyer.
 New Trial Date set for
 9/13/84. SSA [redacted] [redacted]
 PCU, [redacted] [redacted]*

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72-274-44

Approved: *[Signature]*

JUN 27 1984 Transmitted (Number)

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FM WASHINGTON FIELD (72-274) (P) (C-7)

TO DIRECTOR, FBI (72-2976) (PRIORITY)

ATTN: PUBLIC CORRUPTION UNIT, WCC SECTION, CID

FBI, LOS ANGELES (180-113) (245C-74) (INFO) (ROUTINE)

FBI, CHICAGO (180-28) (INFO) (ROUTINE)

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
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72-274-44

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JUN 27 1984	
FBI-WASH FIELD OFFICE	

(Mount Clipping in Space Below)

(Indicate page, name of newspaper, city and state.)

THE WASHINGTON POST

p. B-5

Date: 6/27/84

Edition:

Title:

LARRY FLYNT

Character:

or OOJ

Classification:

Submitting Office:

WFO

Indexing:

Magistrate Rules Flynt Is Competent For Trial

By Al Kamen
Washington Post Staff Writer

A federal magistrate ruled yesterday that Hustler magazine publisher Larry Flynt is competent to stand trial on charges that he impeded justice in November when he screamed obscenities at the Supreme Court justices.

U.S. District Court Magistrate Jean F. Dwyer said at a hearing yesterday that, based on her review of psychiatric records, Flynt was competent to stand trial and to assist in his defense.

Dwyer said Flynt's trial would begin next Thursday on the two misdemeanor charges stemming from his outburst before the startled justices.

Dwyer ordered Flynt held at D.C. General Hospital pending a further hearing in the case today.

Flynt, who pleaded not guilty to the charges, is serving a 15-month prison term in the federal correctional facility in Butner, S.C., for con-

tempt of court stemming from a hearing in the John Z. DeLorean cocaine trial in Los Angeles. At that hearing, Flynt refused to disclose the source of alleged tapes involved in the case.

He appeared in court yesterday without the phalanx of photographers and bodyguards that has accompanied him on prior visits.

Flynt, sporting a beard and mustache and lying on a hospital gurney, was calm throughout the hearing. He questioned a psychiatrist retained by his lawyers, who testified that he was not competent to stand trial.

Federal prosecutors said Flynt should be returned to South Carolina and objected to his being housed at D.C. General on short notice, but Dwyer said he was sending Flynt there at his request for medical treatment.

Flynt, a paraplegic since he was shot in 1978 in Georgia, recently broke a leg in a fall, according to an informed source.

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PCV,
Adm'd 6/27/84
[Signature]

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TRANSMIT VIA: AIRTEL

PRECEDENCE: _____

CLASSIFICATION: _____

DATE: 7/12/84

To: SAC, Atlanta (62D-3011), WFO (145D-806), Los Angeles
 (62D-7880, 180-113), Charlotte, New Orleans
 From: Director, FBI
 LARRY FLYNT, 78407-012
 FEDERAL CORRECTIONAL INSTITUTION
 BUTNER, NORTH CAROLINA

ATTENTION: CORRESPONDENCE UNIT - PUBLIC AFFAIRS SECTION
 BUDED

Enclosed you will find:

- ☒ Two copies of self-explanatory communication from captioned individual.
☐ Two copies of self-explanatory anonymous communication.
☐ Other:

Take following action:

- ☐ Have correspondent interviewed to determine whether correspondent has any information of interest to Bureau.
☐ Furnish pertinent facts from enclosed communication to appropriate law enforcement officials.
☐ Acknowledge Bureau receipt of communication at time of contact with captioned individual.
☐ Submit results under above caption to reach Bureau no later than
☒ Other: Bufiles show that Larry Flynt has been

the subject of numerous investigations, including an Extortion case and a Domestic Police Cooperation case in 1983. In 1984 he was the subject of an Interstate Transportation of Obscene Matter case and a Desecration of the Flag; Illegal Wearing of Military Decorations case. This communication has not been acknowledged at FBI Headquarters, but is being sent to your offices for information and appropriate action.

Enc. (4)

(Do not type below this line.)

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THE WHITE HOUSE
WASHINGTON

June 14, 1984

Dear Mr. Revell:

requested that the attached be forwarded to you for your information and handling as you deem appropriate.

b6
b7c

Sincerely,

Dianna C. Holland
Executive Assistant to the
Counsel to the President

Mr. Oliver Revell
Assistant Director, Criminal
Investigative Division
Federal Bureau of Investigation
Pennsylvania Avenue & 9th Street, N.W.
Washington, D.C. 20535

Larry Flynt 17407-222

Butte Butte PO Box

Butte AK 27509



1600 penn ave
The White House
Washington DC

20091

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FEDERAL CORRECTIONAL
INSTITUTION



BUTNER N C 27509

DA 5-4-81

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected if the writer encloses correspondence for forwarding to another addressee, return the enclosure to the address.

This institution retains the right to mail from attorneys, in the presence of the inmate, to inspect for physical enclosures constituting contraband items. This mail will not be read or copied. Since it is assumed to be within the purview of the attorney-client relationship, it should not be used for other purposes. All materials sent or received from an inmate not authorized by Bureau Policy, shall constitute contraband within the meaning of Title 18, United States Code, Section 1791.

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The information charges:

On or about November 8, 1983, within the District of Columbia, the defendant Larry Flynt, with the intent of interfering with, obstructing and impeding the administration of justice, did unlawfully demonstrate in a building housing a court of the United States, that is, the Supreme Court of the United States in violation of 18 U.S.C. §1507.

There are four elements of the offense charged, each of which the Government is required to prove beyond a reasonable doubt:

1. That the defendant demonstrated unlawfully, that is, that he engaged in expressive conduct, Grace v. Burger, 665, F.2d, 1193, 1203, (D.C. Cir. 1981) in a manner basically incompatible with the normal activities of a particular place at a particular time. Id., at 1202; Grayned v. City of Rockford, 408 U.S. 104, 106 (1972).

2. That by engaging in such expressive conduct, the defendant intended to interfere with, obstruct and impede the administration of justice that is, in this case, the proper order and decorum of the Supreme Court. See United States v. Grace, 103 S.Ct. 1702, 1709 (1983); such intent need not be supported by direct evidence, but may be presumed when the defendant commits the proscribed conduct, see, Cox v. Louisiana, 379 U.S. 509, 567 (1965), that is, demonstrating illegally in a United States Courthouse.

3. That the defendant's conduct was designed to interfere with, obstruct and impede the administration of justice by disrupting the proper order and decorum of the United States Supreme Court, United States v. Grace, supra, 103 S.Ct. at 1709; Grace v. Burger, supra, 665, F.2d, at 1205, the preservation of which was the congressionally stated purpose of §1507. Id., at 1210, n. 7.

In this regard, I instruct you as a matter of law that the Government need not prove that there was an actual interfering with, obstructing or impeding of the proper order and decorum of the United States Supreme Court. See Knight v. United States, 310 F.2d 305, 307 (1967). It is the endeavor itself and not its success or failure which is the heart of such an offense. See United States v. Russell, 255 U.S. 138, 143 (1921). United States v. Roe, 529, F.2d 629, 632 (1975).

4. That such conduct occurred in a court of the United States, namely, the United States Supreme Court.

Specific Intent

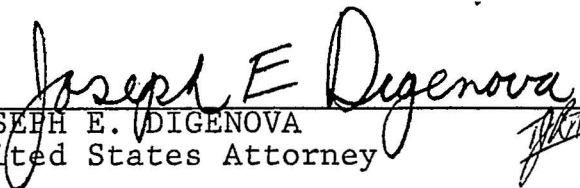
Other offenses require a specific intent. Specific intent requires more than a mere general intent to engage in certain conduct or to do certain acts. A person who knowingly does an act which the law forbids, that is knowingly and willfully attempts to interfere, obstruct and impede the proper order and decorum of the Supreme Court, may be found to act with specific intent. United States v. Marcinsky, No. 83-75 (D.C. Ct. App., June 18, 1984): slip opinion at 4-9, 11-13 (and cites contained therein).

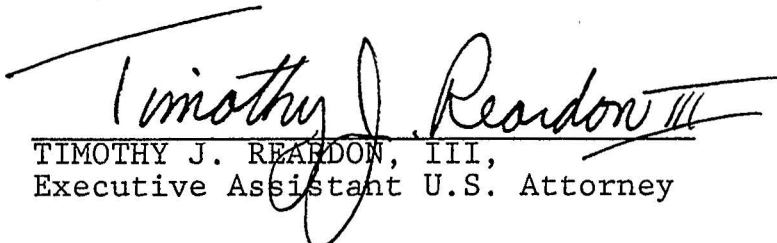
Supplementation to "Knowingly", Red Book No. 305

The defendant need not have known that his conduct violated a particular statute before he violated it. Marcinski v. United States, supra, slip opinion at 6-8. The Government must prove that the defendant acted purposefully or intentionally with the conscious desire to achieve that particular result which is forbidden by law. See United States v. Bryant, 420 F.2d 1327, 1333 (1969), Perkins on Criminal Law, 762 (2d. ed. 1969); La Fave and Scott,

Handbook on Criminal Law, 196 - 197, 201 - 202
(1972). See also United States v. Bailey, 444
U.S. 394, 403-404 (1980), United States v.
United States Gypsum Company, 438 U.S. 422,
445 (1978). */

Respectfully submitted,



JOSEPH E. DIGENOVA
United States Attorney


TIMOTHY J. REARDON, III,
Executive Assistant U.S. Attorney

*/ In regard to proposed Voir Dire questions, we offer
no specific requests. We are confident our general concern
in regard to potential unfairness to either the defendant
or the United States will be satisfied by the Court's
routine questions to the panel not only on the events and
people involved in the case, but also on the prospective
jurors themselves.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Petition was mailed this 12th day of July, 1984, to defendant Larry C. Flynt, Pro Se, at Duke University Hospital, Durham, North Carolina, D. Mitchell Basker, Esquire, P.O. Box 235, Winchester, Virginia 22601, and G. Ray Motsinger, Esquire, 1300 Brookstown Avenue, Winston-Salem, North Carolina 27101.


TIMOTHY J. REARDON, III,
Executive Assistant United States
Attorney
United States Courthouse
Third & Constitution Avenue, N.W.
Washington, D.C. 20001
(202) 633-4920

FBI

TRANSMIT VIA:

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☐ TOP SECRET
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☒ UNCLAS

Date 9/13/84

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FM WASHINGTON FIELD (72-274) (P) (SQ. C-7)

TO DIRECTOR, FBI (72-2976) PRIORITY

ATTN: SSA PUBLIC CORRUPTION UNIT, WCC SECTION
 CID)

FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE ⁴³/_AFBI, CHICAGO (180-28) (INFO) ROUTINE ⁴⁷/_P

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
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ON 9/11/84, LARRY FLYNT FILED FOR A MEDICAL CONTINUANCE
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FLYNT'S PETITION WAS ACCEPTED AND CONSEQUENTLY, U.S.
 MAGISTRATE JEAN F. DWYER RESCHEDULED THE TRIAL FOR 10/31/84.

IT SHOULD BE NOTED THAT THE U.S. ATTORNEY'S OFFICE,
 WASHINGTON, D.C., HAS MADE A PLEA OFFER FOR FLYNT TO PLEAD

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Approved: Transmitted 

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CLASSIFICATION:

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Date 9/13/84

PAGE TWO DE WF 0019 UNCLAS

9. GUILTY TO A MISDEMEANOR CHARGE AND IN EXCHANGE, THE USA WILL
RECOMMEND THAT A FINE IS APPROPRIATE. THE OFFER IS APPARENTLY
UNDER CONSIDERATION.

BUREAU WILL BE KEPT ADVISED OF FURTHER DEVELOPMENTS.

BT

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9/13/84

FM WASHINGTON FIELD (72-274) (P) (SQ. C-7)

TO DIRECTOR, FBI (72-2976) PRIORITY

ATTN: SSA PUBLIC CORRUPTION UNIT, WCC SECTION
CID)

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FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

FBI, CHICAGO (180-28) (INFO) ROUTINE

BT

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9/13/84

PAGE TWO DE WF 0019 UNCLAS

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PRECEDENCE:

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CLASSIFICATION:

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☐ CONFIDENTIAL
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☐ UNCLAS

Date 10/31/84

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FM: FBI, WASHINGTON FIELD (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976) ROUTINE 11/1/84

ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
 SECTION, CID

FBI, CHICAGO (180-28) (INFO) ROUTINE 11/3/84

FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE 6/10

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
 STATES; 005;
 STATES; ~~DOJ~~; OO:WFO

RE WFO TELCAL TO SSA [REDACTED] 10/31/84 AND WFO TELETYPE
 TO THE BUREAU AND RECEIVING OFFICES, 9/13/84.

ON 10/31/84, AUSA [REDACTED] WDC, ADVISED THE TRIAL
 IN CAPTIONED MATTER PREVIOUSLY SCHEDULED TO BEGIN ON 10/31/84
 HAS AGAIN BEEN RESCHEDULED. THE NEW TRIAL DATE IS 11/27/84
 BEFORE U.S. MAGISTRATE JEAN F. DWYER, WDC.

AS PREVIOUSLY ADVISED, THE U.S. ATTORNEY'S OFFICE, WDC,
 HAS MADE A PLEA OFFER FOR FLYNT TO PLEAD GUILTY TO A MISDEMEANOR

(2) - WFO

RDC:arb
 (2)

[Signature]

Approved: [Signature]

Transmitted

(Number)

(Time)

Per

722

SEARCHED INDEXED

72-274-49

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO DE WF #0052 U N C L A S

CHARGE, AND IN EXCHANGE, THE GOVERNMENT WILL RECOMMEND THAT A
FINE IS APPROPRIATE. THIS PLEA OFFER IS BEING CONSIDERED BY
FLYNT.

THE BUREAU AND RECEIVING OFFICES WILL BE ADVISED OF FURTHER
DEVELOPMENTS.

BT

#0052

NNNN

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

10/31/84

FM: FBI, WASHINGTON FIELD (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976) ROUTINE

ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
SECTION, CID

FBI, CHICAGO (180-28) (INFO) ROUTINE

FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
STATES; DOJ; OO:WFO

RE WFO TELCAL TO SSA [REDACTED] 10/31/84 AND WFO TELETYPE
TO THE BUREAU AND RECEIVING OFFICES, 9/13/84.

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2 - WFO

RDC:arb
(2)

72-274-49
Searched _____
Serialized _____
Indexed _____
Filed _____

b6
b7C

b6
b7C

PAGE TWO DE WF #0052 U N C L A S

CHARGE, AND IN EXCHANGE, THE GOVERNMENT WILL RECOMMEND THAT A FINE IS APPROPRIATE. THIS PLEA OFFER IS BEING CONSIDERED BY FLYNT.

THE BUREAU AND RECEIVING OFFICES WILL BE ADVISED OF FURTHER DEVELOPMENTS.

BT

#0052

NNNN

VZCZCWF0052

RR HQ CG LA

DE WF#0052 305 0235

ZNR UUUUUUU

R 31 0022Z OCT 84

FM: FBI, WASHINGTON FIELD (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976) ROUTINE

ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
SECTION, CID

FBI, CHICAGO (180-28) (INFO) ROUTINE

FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
STATES; OOJ; OO:WFO

RE WFO TELCAL TO SSA [REDACTED] 10/31/84 AND WFO TELETYPE
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b7c

b6
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72-274-49

Searched	_____
Serialized	_____
Indexed	_____
Filed	_____

OR

VZCZCWF0052

RR HQ CG LA

DE WF#0052 305 0235

ZNR UUUUUUU

R 31 0022Z OCT 84

FM: FBI, WASHINGTON FIELD (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976) ROUTINE

ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC

SECTION, CID

FBI, CHICAGO (180-28) (INFO) ROUTINE

FBI, LOS ANGELES (180-113) (245C-74) (INFO) ROUTINE

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED STATES; OOJ; OO:WFO

RE WFO TELCAL TO SSA [REDACTED] 10/31/84 AND WFO TELETYPE TO THE BUREAU AND RECEIVING OFFICES, 9/13/84.

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AS PREVIOUSLY ADVISED, THE U.S. ATTORNEY'S OFFICE, WDC, HAS MADE A PLEA OFFER FOR FLYNT TO PLEAD GUILTY TO A MISDEMEANOR

b6
b7C

b6
b7C

72-274-49
SEARCHED _____
SERIALIZED _____
INDEXED _____
FILED _____
OCT 31 1984
FBI - WFO

ROR

FBI

TRANSMIT VIA:

☒ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

☐ Immediate
☐ Priority
☒ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☒ UNCLAS

Date 12/10/84

111
0021

FM: FBI, WASHINGTON FIELD (ROUTINE) (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976) ⁵²⁵

(ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
 SECTION, CID)

FBI, CHICAGO (180-28) (INFO) ^{8:55 P}FBI, LOS ANGELES (180-113) (245C-74) (INFO) ^{1057 P}

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE
 UNITED STATES; OBSTRUCTION OF JUSTICE; OO:WFO

RE WFO TELETYPE TO THE BUREAU AND RECEIVING OFFICES,
 OCTOBER 31, 1984.

ON DECEMBER 6, 1984, AUSA [REDACTED] WDC, ADVISED
 THE TRIAL IN CAPTIONED MATTER PREVIOUSLY SCHEDULED TO HAVE
 BEGUN ON NOVEMBER 27, 1984, HAD BEEN POSTPONED INDEFINITELY.

ACCORDING TO AUSA [REDACTED], FLYNT HAS SIGNED A PLEA OFFER
 AGREEING TO PLEAD GUILTY TO ONE COURT OF TITLE 40, UNITED

②-WFO
 (1-TELETYPE UNIT)

RDC:slh
 (2)

Approved: 

DEC 10 1984

Transmitted

(Number)

(Time)

REASSIGN
 to SA [REDACTED]
 12/11/84
 [Signature]

72-274-56

b6
b7Cb6
b7Cb6
b7C

633
4920

FBI

TRANSMIT VIA:

- ☐ Teletype
☐ Facsimile
☐ _____

PRECEDENCE:

- ☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

- ☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date _____

PAGE TWO DE WF #0021 U N C L A S

STATES CODE, SECTION 13J (INTERFERING, OBSTRUCTING, OR IMPEDING THE ADMINISTRATION OF JUSTICE; UTTERING LOUD THREATENING AND ABUSIVE LANGUAGE IN THE SUPREME COURT BUILDING).

AUSA STATED FLYNT IS EXPECTED TO MAKE HIS GUILTY PLEA IN CAPTIONED MATTER IN THE CENTRAL DISTRICT OF CALIFORNIA IN CONNECTION WITH ANOTHER CASE PENDING IN THAT DISTRICT. NO DATE HAS YET BEEN SET FOR THIS PLEA. THE BUREAU AND RECEIVING OFFICES WILL BE ADVISED WHEN A SCHEDULED DATE IS AVAILABLE.

BT

0021

NNNN

b6
b7c

Approved: _____ Transmitted _____ Per _____
(Number) (Time)

FM: FBI, WASHINGTON FIELD (ROUTINE) (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976)

(ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
SECTION, CID)

FBI, CHICAGO (180-28) (INFO)

FBI, LOS ANGELES (180-113) (245C-74) (INFO)

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE
UNITED STATES; OBSTRUCTION OF JUSTICE; OO:WFO

RE WFO TELETYPE TO THE BUREAU AND RECEIVING OFFICES,
OCTOBER 31, 1984.

ON DECEMBER 6, 1984, AUSA [REDACTED] WDC, ADVISED
THE TRIAL IN CAPTIONED MATTER PREVIOUSLY SCHEDULED TO HAVE
BEGUN ON NOVEMBER 27, 1984, HAD BEEN POSTPONED INDEFINITELY.

ACCORDING TO AUSA [REDACTED] FLYNT HAS SIGNED A PLEA OFFER
AGREEING TO PLEAD GUILTY TO ONE COUNT OF TITLE 40, UNITED

(2) WFO
(1-TELETYPE UNIT)

RDC:slh
(2)

72-274-50
Searched _____
Serialized _____
Indexed _____
Filed _____

VZCZCWF0021

RR HQ CG LA

DE WF 0021 346 0155

ZNR UUUUU

R 102217Z DEC 84

FM: FBI, WASHINGTON FIELD (ROUTINE) (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976)

(ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
SECTION, CID)

FBI, CHICAGO (L80-28) (INFO)

FBI, LOS ANGELES (L80-LL3) (245C-74) (INFO)

b6
b7c

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE
UNITED STATES; OBSTRUCTION OF JUSTICE; OO:WFO

RE WFO TELETYPE TO THE BUREAU AND RECEIVING OFFICES,
OCTOBER 31, 1984.

ON DECEMBER 6, 1984, AUSA [REDACTED] WDC, ADVISED
THE TRIAL IN CAPTIONED MATTER PREVIOUSLY SCHEDULED TO HAVE
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b6
b7c

ACCORDING TO AUSA [REDACTED] FLYNT HAS SIGNED A PLEA OFFER
AGREEING TO PLEAD GUILTY TO ONE COUNT OF TITLE 40, UNITED

Searched
Serialized
Indexed
Filed

72-274-0
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0

VZCZCWF0021

RR HQ CG LA

DE WF 0021 346 0155

ZNR UUUUU

R 102217Z DEC 84

FM: FBI, WASHINGTON FIELD (ROUTINE) (72-274) (P) (C-7)

TO: DIRECTOR, FBI (72-2976)

(ATTN: SSA [REDACTED] PUBLIC CORRUPTION UNIT, WCC
SECTION, CID)

FBI, CHICAGO (L80-28) (INFO)

FBI, LOS ANGELES (L80-LL3) (245C-74) (INFO)

b6
b7C

BT

UNCLAS

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE
UNITED STATES; OBSTRUCTION OF JUSTICE; OO:WFO

RE WFO TELETYPE TO THE BUREAU AND RECEIVING OFFICES,
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ON DECEMBER 6, 1984, AUSA [REDACTED] WDC, ADVISED
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b6
b7C

ACCORDING TO AUSA [REDACTED] FLYNT HAS SIGNED A PLEA OFFER
AGREEING TO PLEAD GUILTY TO ONE COUNT OF TITLE 40, UNITED

72-274
Searched
Serialized
Indexed
Filed

(Indicate page, name of
newspaper, city and state.)

(Mount Clipping in Space Below)

Date: *THE WASHINGTON POST*

Edition:

FINAL

Title:

pg. B3

Character:

2/13/85

or

Classification:

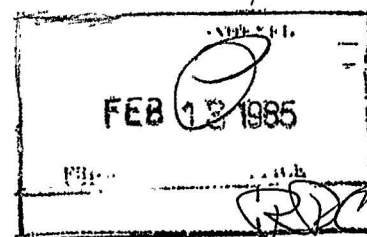
Submitting Office:

72-274

Indexing:

End Notes

Hustler magazine publisher Larry Flynt faces up to six months in prison after pleading guilty in Los Angeles to federal charges he shouted obscenities in the Supreme Court chambers Nov. 8, 1983...

72-274-51

(Mount Clipping in Space Below)

Flynt Sentence 60 Days

■ LOS ANGELES—Hustler magazine publisher Larry Flynt was sentenced to 60 days in prison for using obscene language before the Supreme Court, and, in a separate incident, wearing an unauthorized Purple Heart.

Flynt, who was also fined \$350 and placed on three years probation, pleaded guilty to the charge of wearing the unauthorized medal last October in a bargain with federal prosecutors who agreed to dismiss charges that he desecrated an American flag and assaulted an FBI agent.

The flamboyant publisher pleaded guilty last month to a charge he used obscene language before the Supreme Court during an appearance in November 1983.

Flynt, 44, a wheelchair-bound paraplegic since a 1978 assassination attempt, was sentenced by U.S. District Court Judge Consuelo Marshall.

In a statement to the court prior to sentencing, Flynt said, "All I can say is that at the time of these offenses, I seriously needed psychiatric help . . . I

want to extend my apologies to this court and to all the other courts in which I misbehaved."

Marshall stayed implementation of the sentence until April 15.

(Indicate page, name of newspaper, city and state.)

Date:
Edition:

Title:

Character:
orClassification:
Submitting Office:

Indexing:

THE WASHINGTON POST
FINAL
3/14/85
Pg. A-4

72-274

72-274-52

MAR 14 1985

FBI-WASH FIELD OFFICE

LA0018 0740150Z

PP WFO

DE LA

P 0150150Z MAR 85

FM LOS ANGELES (180-113) (OC-1) 0)

DIRECTR PRIORITY

WFO PRIORITY (72-274) (C-7)

BT

UNCLAS

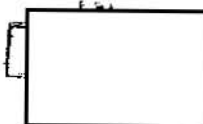
LARRY FLYNT, AKA; DESECRATION OF THE FLAG; ILLEGAL WEARING OF
MILITARY DECORATIONS; ASSAULTING A FEDERAL OFFICER; OO: LOS
ANGELES

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
STATES; OBSTRUCTION OF JUSTICE; OO: WFO

REFERENCE LOS ANGELES TELETYPES TO DIRECTOR, OCTOBER 19,
1984 AND OCTOBER 22, 1984, AND WFO TELETYPE TO DIRECTOR AND
LOS ANGELES DATED DECEMBER 17, 1984.

ON MARCH 13, 1985, FLYNT WAS SENTENCED BY UNITED STATES
DISTRICT JUDGE CONSUELLO MARSHALL, CENTRAL DISTRICT OF CALIFORNIA,
LOS ANGELES, CALIFORNIA, FOLLOWING HIS GUILTY PLEA ON OCTOBER
22, 1984 TO COUNT 2 OF INDICTMENT CHARGING FLYNT WITH ILLEGAL
WEARING OF MILITARY DECORATIONS (PURPLE HEART), TITLE 18, U.S.

MAR 14 9 20 PM '85



b6
b7C

72-274-53

PAGE TWO (LA 180-113) UNCLAS

CODE, SECTION 704. FLYNT WAS SENTENCED TO 60 DAYS IN THE CUSTODY OF THE ATTORNEY GENERAL, FINED \$250.00, AND PLACED ON 3 YEARS PROBATION.

AS PER AGREEMENT, GOVERNMENT MOVED TO DISMISS COUNTS 1 AND 3, DESECRATION OF THE FLAG AND ASSAULTING A FEDERAL OFFICER, AND MOTION WAS GRANTED.

FLYNT WAS ALSO SENTENCED ON 1 COUNT OF VIOLATION OF TITLE 40, U.S. CODE, SECTION 13J, INTERFERING, OBSTRUCTING OR IMPEDING THE ADMINISTRATION OF JUSTICE, FOLLOWING A PLEA OF GUILTY ON FEBRUARY 11, 1985. FLYNT WAS SENTENCED TO 60 DAYS IN THE CUSTODY OF THE ATTORNEY GENERAL, TO RUN CONCURRENT WITH THE ABOVE SENTENCE, AND FINED \$100.00.

BT

#

LA0018 0740150Z

PP WFO

DE LA

P 0150150Z MAR 85

FM LOS ANGELES (180-113) (OC-1) 0)

DIRECR PRIORITY

WFO PRIORITY (72-274) (C-7)

BT

UNCLAS

LARRY FLYNT, AKA; DESECRATION OF THE FLAG; ILLEGAL WEARING OF
MILITARY DECORATIONS; ASSAULTING A FEDERAL OFFICER; OO: LOS
ANGELES

LARRY FLYNT; INTERFERENCE WITH THE SUPREME COURT OF THE UNITED
STATES; OBSTRUCTION OF JUSTICE; OO: WFO

REFERENCE LOS ANGELES TELETYPES TO DIRECTOR, OCTOBER 19,
1984 AND OCTOBER 22, 1984, AND WFO TELETYPE TO DIRECTOR AND
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ON MARCH 13, 1985, FLYNT WAS SENTENCED BY UNITED STATES
DISTRICT JUDGE CONSUELLO MARSHALL, CENTRAL DISTRICT OF CALIFORNIA,
LOS ANGELES, CALIFORNIA, FOLLOWING HIS GUILTY PLEA ON OCTOBER
22, 1984 TO COUNT 2 OF INDICTMENT CHARGING FLYNT WITH ILLEGAL
WEARING OF MILITARY DECORATIONS (PURPLE HEART), TITLE 18, U.S.

MAR 11 9 02 PM '85

72-274-53

FD-515 (Rev. 2-27-84)
ACCOMPLISHMENT REPORT (Effective 10/1/84)

(Submit within 30 days from date of accomplishment)

TO: DIRECTOR, FBI

FROM: SAC, WFO

SUBJECT:

LARRY FLYNT;
INTERFERENCE WITH
SUPREME COURT OF
THE UNITED STATES;
OBSTRUCTION OF JUSTICE;
(OO:WFO)

72-2976

Bureau File Number

72-274

Field Office File Number

C-7

Squad or RA Number

Agent's Social Security No.

☐ X if a joint operation with another Federal, State or Local LE agency **

☐ X if case involves corruption of a public official (Federal, State or Local).

Investigative Assistance or Technique Used

Were any of the investigative assistance or techniques listed below used in connection with accomplishment being claimed? ☐ No ☒ Yes - If Yes, rate each used as follows:

- 1 = Used, but did not help
2 = Helped, but only minimally
3 = Helped, substantially
4 = Absolutely essential

1. Acctg Tech Assistance	Rating	6. ELSUR - Title III	Rating	11. Lab. Div. Field Support	Rating	16. Show Money Usage	Rating
2. Aircraft Assistance		7. Hypnosis Assistance		12. Pen Registers		17. Surveill. Sqd Asst	
3. Computer Assistance		8. Ident Div Assistance		13. Photographic Coverage		18. SWAT Team Action	
4. Consensual Monitoring		9. Informant Information		14. Polygraph Assistance		19. Telephone Td Records	
5. ELSUR - FISC		10. Lab Div Exams		15. Search Warrants Executed		20. Undercover Operation	
						21. Visual Invest Analysis (VIA)	

A. Preliminary Judicial Process (Number of subjects)	Complaints	Informations	Indictments	D. Recoveries, Restitutions, Court Ordered Forfeitures or Potential Economic Loss Prevented (PELP)			
		1		Property or PELP Type Code	Recoveries	Restitutions	Potential Economic Loss Prevented
B. Arrests, Locates, Summonses & Subpoenas (No. of subjects)	Subject Priority (See Reverse)						
	A	B	C				
FBI Arrests							
FBI Locates							
Number of Subjects of FBI Arrests Who Physically Resisted _____							
Number of Subjects of FBI Arrests Who Were Armed _____							
Criminal Summonses							
Subpoenas Served							
C. Release of Hostages or Children Located: (Number of Hostages or Children Located)				E. Civil Matters			
Hostages Held By Terrorists _____; All Other Hostage Situations _____				Government Defendant			
Missing or Kidnapped Children Located _____				Government Plaintiff			
				Amount of Suit			
				Settlement or Award			
				Enter AFA Payment Here			

F. Final Judicial Process: Judicial District CD CA District State Dates 2/11/85 3/13/85
Convictions (or Final Judicial Process) Date Sentence Date

Subject 1 - Name - LARRY FLYNT Subject's Description Code* - 8A

<input type="checkbox"/> Pretrial <input type="checkbox"/> Diversion <input type="checkbox"/> Dismissal <input type="checkbox"/> Acquittal	-Convictions- Enter conviction and sentence data in space at right. If more than four sections are involved, limit to the four most relevant. Do not report conviction until sentence has been pronounced.	<input checked="" type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input checked="" type="checkbox"/> Plea <input type="checkbox"/> Trial	Conviction			Combined Sentence				
			Title	Section	Counts	In-Jail Term	Suspended	Probation	Total Fines	
			40	13j	1	Yrs	Mos	Yrs	Mos	\$ 100.00
Consecutive Sentences - Add all consecutive sentences together. Concurrent Sentences - Enter longest single term. Do not add concurrent sentences together. If the sentence is 10 years in custody of the Atty Gen. but 8 years are suspended, the In-Jail term would be 2 years.										

<input type="checkbox"/> Pretrial <input type="checkbox"/> Diversion <input type="checkbox"/> Dismissal <input type="checkbox"/> Acquittal	-Convictions- Enter conviction and sentence data in space at right. If more than four sections are involved, limit to the four most relevant. Do not report conviction until sentence has been pronounced.	<input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Plea <input type="checkbox"/> Trial	Conviction			Combined Sentence				
			Title	Section	Counts	In-Jail Term	Suspended	Probation	Total Fines	
						Yrs	Mos	Yrs	Mos	\$
Consecutive Sentences - Add all consecutive sentences together. Concurrent Sentences - Enter longest single term. Do not add concurrent sentences together. If the sentence is 10 years in custody of the Atty Gen. but 8 years are suspended, the In-Jail term would be 2 years.										

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			Title	Section	Counts	In-Jail Term	Suspended	Probation	Total Fines	
						Yrs	Mos	Yrs	Mos	\$
Consecutive Sentences - Add all consecutive sentences together. Concurrent Sentences - Enter longest single term. Do not add concurrent sentences together. If the sentence is 10 years in custody of the Atty Gen. but 8 years are suspended, the In-Jail term would be 2 years.										

Attach additional forms if reporting final judicial process on more than three subjects, and submit a final disposition form (R-84) for each subject.

Remarks:

On 11/8/83, Flynt was charged in a one count information filed in USDC, Washington, D.C. On 2/11/85, Flynt entered a guilty plea under rule 20 and on 3/13/85 was sentenced as set out above in the Central District of California, Los Angeles.

SEARCHED INDEXED
SERIALIZED FILED
MAR 14 1985
FBI - LOS ANGELES

2 - Bureau
2 - Field Office

①-72-274 1-66-5552 Sub A RDC:daj (4)

*See codes on reverse side. Subject description codes in Section F are required only when reporting a conviction.
** In joint operations, identify the other Federal, State or Local Law Enforcement (LE) agency in the Remarks Section.

FBI/DOJ

x Airtel

3/18/85

TO: DIRECTOR, FBI (72-2976)
ATTN: SSA [REDACTED] PUBLIC CORRUPTION
UNIT, WCC SECTION, CID

b6
b7c

FROM: SAC, WFO (72-274) (C) (C-7)

LARRY FLYNT;
INTERFERENCE WITH THE SUPREME COURT
OF THE UNITED STATES;
OOJ:
(OO:WFO)

Re WASHINGTON FIELD OFFICE (WFO) teletype to the
Bureau, dated December 10, 1984 and Los Angeles teletype to
the Bureau, dated March 14, 1985.

On February 11, 1985, FLYNT entered a guilty plea
in captioned matter under a plea agreement and Rule 20. The
plea was entered in the Central District of California, Los
Angeles, California. The plea was to one count in violation
of Title 40, U.S. Code, Section 13j (Interfering, Obstructing
or Impeding the Administration of Justice).

On March 13, 1985, U.S. District Judge CONSUELLO
MARSHALL, Central District of California sentenced FLYNT to
sixty days in the custody of the Attorney General and fined
\$100.00.

FD-515 submitted under separate cover.

2-Bureau

①-WFO

BDC:saj
(3)

Close - 4
on 3 3/18/85
3-18-85
per

72 274-55

Searched	_____
Serialized	_____
Indexed	_____
Filed	_____

Memorandum



*Jan
Craig*

To : SAC, WFO (72-274)

Date 7-2-90

From : SAC, CHICAGO (180-28)

☐ RUC

Subject : LARRY FLYNT
(Info)

☒ File Destruction Program

Enclosed are -1- items.
These items are forwarded your office since:

☐ All logical investigation completed in this Division

☒ You were DO at the time our case was RUC'd.

Enclosures are described as follows:

 Original 302

 FD 192-green sheet

X FD 340a *pc*

 Original Lab reports

 Other

☐ Pos ☒ Neg

SEARCHED: ☐ Pos ☒ Neg

INDEXED: ☐ Pos ☒ Neg

AX: ☐ Pos ☒ Neg

AX: ☐ Pos ☒ Neg

72-274-56
dup dup

AUG 15 1990

FBI-WASH. FIELD OFFICE

(File No.)

180-28

SEARCHED INDEXED
SERIALIZED 3A FILED 3A
MAY 24 1984
FBI-CHICAGO

MAY 24 1984

FBI-CHICAGO

Field File No. CG 180-28-1A'

OO and File No. LA 180-113

Date Received 12/3/83

From _____
(NAME OF CONTRIBUTOR)

(ADDRESS OF CONTRIBUTOR)

By _____
(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes
☒ No

Receipt Given ☐ Yes
☒ No

☐ Yes
☒ No

Grand Jury Material-
Disseminate Only
Pursuant to Rules
6(e), Federal Rules
of Criminal Procedure

Description:

Arrest log for
Larry Flegst and
Prisoner Remand form
from MCC.

b6
b7C

Arrest Log

Chicago, Illinois
December 3, 1983

7¹⁰ pm

kd

Larry Flynt contacted as he exited the jetway at Gate H-11A (O'Hare Int. [redacted]) following the arrival of American Airlines Flight 192 from Los Angeles. Flynt was advised as to the identity of SA [redacted] and accompanied to a nearby private office.

b6
b7C

7¹⁴ pm

kd
is

Flynt notified by SA [redacted] that he was under arrest on a bond forfeiture warrant issued at Los Angeles on 12/3/83. Flynt accompanied by [redacted]

b6
b7C

[redacted] latter three advised they were free to go their way following establishment of identity.

43 kd
7⁴⁸ pm

YR
is

at First Aid Station in Terminal 2 in attempt to comply with Flynt's request to use restroom before departing airport. Flynt's physical condition requires special facilities. Unable to accomplish request at First Aid Station (inappropriate facilities) - [redacted]

7⁴⁸ pm YR

YR
is

Depart O'Hare Airport via Bucar, en route downtown Chicago, [redacted] accompanying.

b6
b7C

8⁰⁶
pm ✓
913 RR Arrive Resurrection Hospital Emergency Room, to
use facilities requested by Flynt.

8¹⁸
pm ✓
913 RR Flynt in facility at Resurrection Hospital

8³³
pm ✓
913 RR Depart Resurrection Hospital via Bucar en route
downtown Chicago

8⁵⁹
pm RR Arrive Metropolitan Correctional Center, where
913 ✓ Flynt turned over to federal correctional officers.

[redacted] Special Agent, FBI, Chicago
[redacted] Special Agent, FBI, Chicago, cell.
[redacted] Special Agent, FBI, Chicago, DC

[redacted] SA, FBI, Chicago 12-3-83

b6
b7c

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/13/89

TO: DIRECTOR, FBI
 (ATTENTION: IDENTIFICATION DIVISION,
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454)(C)

SUBJECT: [REDACTED]
 LARRY FLYNT,
 dba HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

b6
 b7C

Re Los Angeles airtel to the Bureau and Dallas
 dated December 9, 1988.

Enclosed for Los Angeles (Package Copy), is an
 original envelope and letter addressed to "HUSTLER MAGAZINE
 INC., 9171 Wilshire Boulevard, Suite 300, Beverly Hills,
 California, 90210".

For the information of the Bureau and Los Angeles,
 referenced airtel advised that it contained for
 Identification Division, Latent Fingerprint Section, the
 original envelope and letter which was sent to captioned
 victim. However, the letter and envelope were inadvertently
 forwarded to Dallas. Dallas is returning the letter and
 envelope to Los Angeles for return to the victim, as this
 matter was discussed with Assistant United States Attorney
 (AUSA) [REDACTED] Eastern District of Texas (EDT), Tyler,
 Texas, who advised that the UNITED STATES ATTORNEY'S OFFICE
 would decline prosecution in this matter because of the
 lack of prosecutive merit due to the fact that the threat

b6
 b7C

2 - Bureau
 2 - Los Angeles (1 - Package Copy)(Enc. 2)
 1 - Dallas

JB/kdm
 (5)

*Sent to LA,
 2-2-89, Reg. #
 52/132875*

Approved: *[Signature]*

Transmitted

(Number)

(Time)

Per

2-2-89

DL 9A-4454

in the letter is conditional.

In the event Los Angeles Division is able to obtain a commitment to prosecute in Los Angeles, Dallas will locate and interview subject.

Dallas office indices negative regarding

b6
b7C

As there is no further investigation within the Dallas Division at this time, Dallas is placing this case in a closed status.



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

3301 Golden Road
P.O. Box 131149
Tyler, Texas 75713
January 13, 1989

Honorable Robert J. Wortham
United States Attorney
Eastern District of Texas
600 Interfirst Plaza Tower
110 North College
Tyler, Texas 75702

Attention: [redacted]
Assistant United States Attorney

Re: [redacted]
LARRY FLYNT,
doing business as
HUSTLER MAGAZINE - VICTIM;
EXTORTION

Dear Mr. Wortham:

The purpose of this letter is to confirm information
furnished to and contact with Assistant United States Attorney
(AUSA) [redacted] on January 10, 1989, by Special Agent (SA)
[redacted]

AUSA [redacted] was advised of information and details
regarding above referenced matter. AUSA Strand advised that
the United States Attorney's Office would decline prosecution
in this matter due to the lack of prosecutive merit because
the threat in this case was conditional.

Thank you for your assistance in this matter.

Sincerely yours,

Bobby R. Gillham
Special Agent in Charge

- Addressee
① - Dallas (9A-4454)(C)
JB/kdm
(3) [signature]

By: [signature]
[redacted]
Supervisory Senior Resident Agent



b6
b7C

b6
b7C

b6
b7C

b6
b7C

9A-4454-1

SEARCHED	INDEXED
SERIALIZED	FILED
JAN 06 1989	
FBI	

b6
b7C



HUSTLER MAGAZINE INC.
9171 Wilshire Blvd., Suite
300 Beverly Hills, CA. 90210

b6
b7c

October 22, 1988

HUSTLER MAGAZINE INC.
9171 Wilshire Blvd., Suite 300
Beverly Hills, CA. 90210

Black Moods
2

9

Dear HUSTLER:

You really have a great magazine. Your photos are expertly done and your cartoons are always in good taste. I really like your December issue with the two cartoons "Punch 'O' Spook" and the cartoon with the Nigger with his pet. You know, that's one of the great freedoms we have in America. We can feel any way we chose about a certain group of people. I appreciate each and every one of you at HUSTLER for your creative ideas. If I am ever in a position to carry out my desire, I will line each person that's associated with HUSTLER starting with LARRY FLINT and all the way down to [] and I will blow your motherfucking brains out. Men For the women I have something much better. I will get my .22 and strip each one naked and nail you to a cross and I would empty my .22 in your pussies. Then I would get my 12 gauge shotgun, put the barrell right on your forehead and pull the trigger and yell "I'm a Nigger."

Sincerely yours,

[]

DC:wm

PS: Tell [] doctor he did a poor job.

b6
b7c

9A-4454-1

SEARCHED	INDEXED
SERIALIZED <i>MO</i>	FILED <i>MO</i>
JAN 08 1969	
FBI - DALLAS	

Field File No. 9A-4454-1A^①

Serial # of Originating Document _____

OO and File No. Dallas

Date Received 2/28/89

From  _____

(Name of Contributor)

(Address of Contributor)

(City and State)

By _____

(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☒ No

Title: _____

Reference: _____

(Communication Enclosing Material)

Description: ☐ Original notes re interview of _____

9A-441A for 1B^① sent to Los Angeles.

b6
b7C

FILL IN THIS CARD - RETURN TO

Attention: Evidence Control Custodian

DALLAS (Jury)

Mailed to

Los Angeles

Date

2-2-89

Registry No.

32132875

Method of Mailing

☒ Registered☐ Airmail☐ Special DeliveryFBI - ☐ Airmail-Special Delivery

Checked by

Packaged by

RECEIPT

Received by

Date and Time Received

File Number of Mailing Office

9A-4454-1B⁽¹⁾

FBI/DOJ

KEEP ATTACHED TO EXHIBIT

DL # 9A-4454-1A⁽¹⁾

Date

1/3/89

Title and Character of Case

Larry Flint, aka
Hustler Magazine - Victim;
extortion; OO: DL

Date Property Acquired

1/3/89

Source From Which Property Acquired

FBI / Los Angeles

Location of Property or Bulky Exhibit

Bulky exhibit room

Reason for Retention of Property and Efforts Made to Dispose of Same

Possible evidence

To Be Returned

☒ Yes ☐ No

See Serial

Agent Submitting Property or Exhibit

SSA

Agent Assigned Case

SA Block

☐ Yes ☒ No Grand Jury Property

(e), Federal Rules of Criminal Procedure.

☐ Yes ☒ No Property to be Forfeited to the Government

Description of Property or Exhibit

Original envelope & letter addressed
to Hustler Magazine, Inc. & bearing
return address of

[Redacted]

For Valuable and/or Narcotics Evidence Only

Evidence Bag Seal # _____

Signature of Two
Special Agents
Verifying and Sealing
Bag Contents

Sent to LA, 2-2-89
via A/T dated 1-13-89,
Package copy received 2-2-89,
Reg. # 521 132 875. J.A.
2-2-89

SEMIANNUAL INVENTORY CERTIFICATION TO JUSTIFY RETENTION OF PROPERTY (Initial and Date)

Field File # 9A-4454

OO: Dallas

ORIGINAL (FILE COPY)

BLOCK STAMP

SEARCHED.....	INDEXED.....
SERIALIZED.....	FILED.....
JAN 06 1989	
FBI - DALLAS	

CHAIN OF CUSTODY

Accepted Custody	Date	Time	Released Custody	Date	Time
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		
Signature _____ Reason _____			_____		

Item No.

Remarks

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/9/88

TO : DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION - LATENT
 FINGERPRINT SECTION, PERSONAL CRIMES UNIT)

FROM SAC, LOS ANGELES (9A-8505) (C-1) (P)

SUBJECT:
 LARRY FLYNT, dba
 HUSTLER MAGAZINE - Victim;
 EXTORTION;
 OO: Dallas

Enclosed for the Identification Division - Latent
 Fingerprint Section, are an original envelope and letter
 addressed to "Hustler Magazine Inc., 9171 Wilshire Blvd., Suite
 300, Beverly Hills, CA 90210." Enclosed for the Personal Crimes
 Unit and Dallas are two copies of the same.

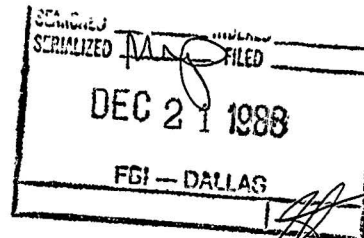
The enclosed letter was received recently by HUSTLER
 MAGAZINE, and was delivered to the Los Angeles Office by a law
 firm which represents LARRY FLYNT, publisher of the magazine.
 The letter is self-explanatory, and was apparently mailed by

REQUEST OF THE BUREAU

The Identification Division - Latent Fingerprint
 Section is requested to process the original envelope and letter
 for any latent prints of value.

4 - Bureau
 (2 - Identification Division) (Enc. 1)
 (2 - Personal Crimes Unit) (Enc. 2)
 ② - Dallas (Enc. 2)
 2 - Los Angeles

DGI/el
 (8)



- 1 -

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

b6
 b7C

b6
 b7C

LA #9A-8505

LEADS

DALLAS DIVISION

AT TYLER, TEXAS: Locate and interview subject regarding the enclosed threatening letter.

LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA: Contact officials at HUSTLER MAGAZINE to determine if subject is known, or has written any such letters previously.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/12/89

TO: DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION -
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454) (P)

SUBJECT:
 LARRY FLYNT, dba
 HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to Director and Dallas dated
 December 9, 1988.

Referenced airtel stated that the original envelope and
 letter in this matter was enclosed with referenced airtel for
 Identification Division - Latent Fingerprint Section. However,
 Los Angeles Division inadvertently sent original to Dallas.
 Dallas Division had decided to maintain custody of the original,
 pending a prosecutive opinion by the UNITED STATES ATTORNEY'S
 OFFICE, Eastern District of Texas, Tyler, Texas. If prosecution
 in this matter is approved by the UNITED STATES ATTORNEY'S
 OFFICE, the original letter will be forwarded to Identification
 Division at that time.

Dallas will advise the Bureau and Los Angeles of the
 status of this case.

2 - Bureau
 2 - Los Angeles
 2 - Dallas

JB/dli
 (6)

deb B

9A-4454-3
 B

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

Serialize _____
 Index _____
 File _____
 Search _____

b6
 b7c

b6
 b7c

DL 9A-4454

LEADS

DALLAS DIVISION

AT TYLER, TEXAS

Will present this matter to the UNITED STATES ATTORNEY'S
OFFICE for a prosecutive opinion.

FBI

TRANSMIT VIA:

☐ Teletype☐ Facsimile☒ AIRTEL

PRECEDENCE:

☐ Immediate☐ Priority☐ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☐ UNCLAS

Date 1/12/89

TO: DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION -
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454) (P)

SUBJECT:

LARRY FLYNT, dba
 HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to Director and Dallas dated December 9, 1988.

Referenced airtel stated that the original envelope and letter in this matter was enclosed with referenced airtel for Identification Division - Latent Fingerprint Section. However, Los Angeles Division inadvertently sent original to Dallas. Dallas Division had decided to maintain custody of the original, pending a prosecutive opinion by the UNITED STATES ATTORNEY'S OFFICE, Eastern District of Texas, Tyler, Texas. If prosecution in this matter is approved by the UNITED STATES ATTORNEY'S OFFICE, the original letter will be forwarded to Identification Division at that time.

Dallas will advise the Bureau and Los Angeles of the status of this case.

2 - Bureau
 2 - Los Angeles
 ② - Dallas

JB/dli

(6)

Deb B

9A-4454-3

Approved: 

Transmitted _____

(Number)

(Time)

Per _____

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/9/88

1 TO : DIRECTOR, FBI
 2 (ATTN: IDENTIFICATION DIVISION - LATENT
 3 FINGERPRINT SECTION, PERSONAL CRIMES UNIT)
 4 FROM SAC, LOS ANGELES (9A-8505) (C-1) (P)
 5 SUBJECT: [REDACTED] 89-43-10517
 6 LARRY FLYNT, dba
 7 HUSTLER MAGAZINE - Victim;
 8 EXTORTION;
 9 OO: Dallas

8 Enclosed for the Identification Division - Latent
 9 Fingerprint Section, are an original envelope and letter
 10 addressed to "Hustler Magazine Inc., 9171 Wilshire Blvd. Suite
 300, Beverly Hills, CA 90210." Enclosed for the Personal Crimes
 11 Unit and Dallas are two copies of the same.

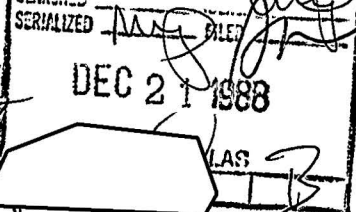
12 The enclosed letter was received recently by HUSTLER
 13 MAGAZINE, and was delivered to the Los Angeles Office by a law
 14 firm which represents LARRY FLYNT, publisher of the magazine.
 15 The letter is self-explanatory, and was apparently mailed by [REDACTED]

REQUEST OF THE BUREAU

16 The Identification Division - Latent Fingerprint
 17 Section is requested to process the original envelope and letter
 18 for any latent prints of value.

19 4 - Bureau
 20 (2 - Identification Division) (Enc. 1)
 21 (2 - Personal Crimes Unit) (Enc. 2)
 2 (2 - Dallas (Enc. 2))
 2 2 - Los Angeles

DGI/el
 (8)



Approved: _____ Transmitted _____ (Number) (Time)

Per _____

w/ copy envelope & letter

SA [REDACTED] miss sent orig. letter to us, rather than ident. We've now put in bulby. If you want to send a cover copy, I'll be sorry to hear it. I'll be sorry to hear it. I'll be sorry to hear it.

b6
b7Cb6
b7Cb6
b7Cb6
b7C

LA #9A-8505

LEADS

DALLAS DIVISION

AT TYLER, TEXAS: Locate and interview subject regarding the enclosed threatening letter.

LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA: Contact officials at HUSTLER MAGAZINE to determine if subject is known, or has written any such letters previously.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/9/88

TO : DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION - LATENT
 FINGERPRINT SECTION, PERSONAL CRIMES UNIT)

FROM SAC, LOS ANGELES (9A-8505) (C-1) (P)

SUBJECT: [REDACTED]

LARRY FLYNT, dba
 HUSTLER MAGAZINE - Victim;
 EXTORTION;
 OO: Dallas

Enclosed for the Identification Division - Latent
 Fingerprint Section, are an original envelope and letter
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 Unit and Dallas are two copies of the same.

The enclosed letter was received recently by HUSTLER
 MAGAZINE, and was delivered to the Los Angeles Office by a law
 firm which represents LARRY FLYNT, publisher of the magazine.
 The letter is self-explanatory, and was apparently mailed by [REDACTED]

REQUEST OF THE BUREAU

The Identification Division - Latent Fingerprint
 Section is requested to process the original envelope and letter
 for any latent prints of value.

4 - Bureau

(2 - Identification Division) (Enc. 1)

(2 - Personal Crimes Unit) (Enc. 2)

2 - Dallas (Enc. 2)

2 - Los Angeles

DGI/el

(8)

SEALED ENCL

73 91-150

- 1 -

Approved: _____

Transmitted _____

(Number) (Time)

Per _____

b6
 b7C

b6
 b7C

30
 5 4 MAY 25 1989

LA #9A-8505

LEADS

DALLAS DIVISION

AT TYLER, TEXAS: Locate and interview subject regarding the enclosed threatening letter.

LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA: Contact officials at HUSTLER MAGAZINE to determine if subject is known, or has written any such letters previously.

FBI

TRANSMIT VIA:

☐ Teletype☐ Facsimile☒ AIRTEL

PRECEDENCE:

☐ Immediate☐ Priority☐ Routine

CLASSIFICATION:

☐ TOP SECRET☐ SECRET☐ CONFIDENTIAL☐ UNCLAS E F T O☐ UNCLAS

Date 1/12/89

TO: DIRECTOR, FBI
(ATTN: IDENTIFICATION DIVISION -
LATENT FINGERPRINT SECTION,
PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454) (P)

SUBJECT:
LARRY FLYNT, dba
HUSTLER MAGAZINE - VICTIM;
EXTORTION
OO: DALLAS

Re Los Angeles airtel to Director and Dallas dated
December 9, 1988. *p*

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letter in this matter was enclosed with referenced airtel for
Identification Division - Latent Fingerprint Section. However,
Los Angeles Division inadvertently sent original to Dallas.
Dallas Division had decided to maintain custody of the original,
pending a prosecutive opinion by the UNITED STATES ATTORNEY'S
OFFICE, Eastern District of Texas, Tyler, Texas. If prosecution
in this matter is approved by the UNITED STATES ATTORNEY'S
OFFICE, the original letter will be forwarded to Identification
Division at that time.

Dallas will advise the Bureau and Los Angeles of the
status of this case.

② - Bureau
2 - Los Angeles
2 - Dallas
JB/dli
(6)

10 JAN 24 1989

Approved: *BREG*

Transmitted

(Number)

(Time)

Per *LEK*

MAY 25 1989

1-5042

DL 9A-4454

LEADS

DALLAS DIVISION

AT TYLER, TEXAS

Will present this matter to the UNITED STATES ATTORNEY'S
OFFICE for a prosecutive opinion.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/13/89

TO: DIRECTOR, FBI
 (ATTENTION: IDENTIFICATION DIVISION,
 LATENT FINGERPRINT SECTION;
 PERSONAL CRIMES UNIT (CID))

FROM: SAC, DALLAS (9A-4454)(C) *dlw*

SUBJECT:
 LARRY FLYNT,
 dba HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to the Bureau and Dallas
 dated December 9, 1988.

Enclosed for Los Angeles (Package Copy), is an
 original envelope and letter addressed to "HUSTLER MAGAZINE
 INC., 9171 Wilshire Boulevard, Suite 300, Beverly Hills,
 California, 90210".

For the information of the Bureau and Los Angeles,
 referenced airtel advised that it contained for
 Identification Division, Latent Fingerprint Section, the
 original envelope and letter which was sent to captioned
 victim. However, the letter and envelope were inadvertently
 forwarded to Dallas. Dallas is returning the letter and
 envelope to Los Angeles for return to the victim, as this
 matter was discussed with Assistant United States Attorney
 (AUSA) Eastern District of Texas (EDT), Tyler,
 Texas, who advised that the UNITED STATES ATTORNEY'S OFFICE
 would decline prosecution in this matter because of the
 lack of prosecutive merit due to the fact that the threat

2 - Bureau
 2 - Los Angeles (1 - Package Copy) (Enc. 2)
 1 - Dallas
 JB/kdm
 (5)

9-71390-3
 5 FEB 2 1989

Approved: *RPG/ld*

Transmitted

(Number)

(Time)

Per *[Signature]*



GPO : 1987 O - 193-749

5 4 MAY 2 5 1989

DL 9A-4454

in the letter is conditional.

In the event Los Angeles Division is able to obtain a commitment to prosecute in Los Angeles, Dallas will locate and interview subject.

 Dallas office indices negative regarding 

b6
b7c

As there is no further investigation within the Dallas Division at this time, Dallas is placing this case in a closed status.

Field File No. 9-6646-121

OO and File No. CO: Boston

Date Received 9/24/79

From

By
(NAME OF SPECIAL AGENT)

To Be Returned ☐ Yes

Receipt Given ☐ Yes

☒ No

☒ No

Description:

XEROX COPY OF
A NOTE TO LARRY
FLINT.

ORIG SENT TO
BOSTON

9-2679

b6
b7C

Bill
SEP 18 1979



Auster Magazine, Inc.
405 W. Gay St.
Columbus,
Ohio 43215

att. Mr. Flynn

9-24-79
gpc 9/24/79

9-6646-101

gpc 9/24/79

THIS TIME WE WILL
FINISH THE JOB.

gpc 9-24-79

Complaint Form
FD-71 (Rev. 8-29-74)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases UNSUBS; THREATS THROUGH U.S. MAILS; LARRY FLYNT - VICTIM 9/17/79 9-6819-2-5/78 62-9880 3/78				Character of case THREAT THROUGH U.S. MAILS			
Complainant [redacted] til 5:30 PM [redacted] (Confidential residence #)				Complaint received <input type="checkbox"/> Personal <input checked="" type="checkbox"/> Telephonic Date 9/19/79 Time 3:00 PM			
Address of subject				Complainant's address and telephone number [redacted]			
Subject's Description	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Hair	Build	Birth date and Birthplace	
	Age		Weight	Eyes	Complexion	Social Security Number	
	Scars, marks or other data						
Facts of complaint <p>C advised he is the Security Director for Larry Flynt Publications. C stated that on 9/17/79 his employer, LARRY FLYNT received the following hand written letter through the mail. Message was in an envelope marked to Mr. Flynt's attention, and handprinted on a small manila card:</p> <p>"This time we will finish the job."</p> <p>Nothing else was printed on the card or envelope. [redacted] stated that he has been in New Orleans for the past two days and this was just brought to his attention. C also stated that the letter was originally mailed from Rhode Island according to the post mark and that it was addressed to Mr. FLYNT's former business in Columbus, Ohio, Hustler Magazine, and that the Post Office forwarded it to Mr. FLYNT here in Los Angeles. C advised he has not notified the locals and wished to turn the matter over to Federal authorities.</p> <p>9-6646-1 SEARCHED INDEXED SERIALIZED FILED SEP 26 1979 FBI - LOS ANGELES</p>							
Action Recommended SC [redacted] (Agent)							

b6
b7c

b6
b7c

b6
b7c

b6
b7c

b6
b7c

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 9/26/791

On September 24, 1979, [redacted]
Larry Flint Publications, 2029 Century Park East, Suite 3800,
Los Angeles, California, made available a letter and
envelope (Xerox copies attached) addressed to Hustler
Magazine, Inc., 40 West Gay Street, Columbus, Ohio, 43215,
marked to the attention of Mr. FLINT. This letter was
mailed at [redacted] on September 9, 1979.

b6
b7c

9-6646-2

SEARCHED	INDEXED
SERIALIZED	FILED
FBI — LOS ANGELES	

Interviewed on 9/24/79 at Los Angeles, California File # Los Angeles 9-6646by SA [redacted] dmjDate dictated 9/25/79b6
b7c

SEP 18 1979

Bill



*Austler Magazine, Inc.
705 W. Gay St.
Columbus,
Ohio 43215*

att. Mr. Flynn

DC 9-24-79 gca 9/24/79

THIS TIME WE WILL
FINISH THE JOB.

gca 9/24/79

PD 9-24-79

FEDERAL BUREAU OF INVESTIGATION

1Date of transcription 9/26/79

On September 24, 1979, [REDACTED]
Larry Flint Publications, 2029 Century Park East, Suite 3800,
Los Angeles, California, made available a letter and
envelope (Xerox copies attached) addressed to Hustler
Magazine, Inc., 40 West Gay Street, Columbus, Ohio, 43215,
marked to the attention of Mr. FLINT. This letter was
mailed at Providence, Rhode Island, on September 9, 1979.

b6
b7c

Interviewed on 9/24/79 at Los Angeles, California File # Los Angeles 9-6646 2

by SA [REDACTED] /dmg Date dictated 9/25/79

b6
b7c

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 9/26/791

On September 24, 1979, [redacted]
[redacted] Larry Flint Publications, 2029 Century Park East,
Suite 3800, telephone number 556-9200, telephonically
advised as follows:

b6
b7C

On or about September 17, 1979, his employer,
LARRY FLINT, received a hand printed note mailed in
[redacted] on September 9, 1979. The
note stated, "This time we will finish the job."

b6
b7C

[redacted] additionally stated the note was addressed
to Hustler Magazine, Inc., 40 West Gay Street, Columbus,
Ohio, a former business address of LARRY FLINT. The
Post Office forwarded the letter to the current address
of Larry Flint Publications in Los Angeles.

b6
b7C

[redacted] concluded by stating that he could
offer no suspects in this matter. He further stated
[redacted] Larry Flint Publications,
has the letter in her possession.

b6
b7C

9-6646-3

SEARCHED	INDEXED
SERIALIZED	FILED
FBI — LOS ANGELES	

Interviewed on 9/24/79 at Los Angeles, California File # Los Angeles 9-6646

by SA [redacted] /dmg Date dictated 9/25/79

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 9/26/791

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[redacted] Larry Flint Publications, 2029 Century Park East,
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b6
b7C

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b6
b7C

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Post Office forwarded the letter to the current address
of Larry Flint Publications in Los Angeles.

b6
b7C

[redacted] concluded by stating that he could
offer no suspects in this matter. He further stated
[redacted] Larry Flint Publications,
has the letter in her possession.

b6
b7C

Interviewed on 9/24/79 at Los Angeles, California File # Los Angeles 9-6646-3
by SA [redacted] /dmg Date dictated 9/25/79

b6
b7C

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ E F T O
☐ CLEAR

Date 9/26/79

TO: SAC, BOSTON
 FROM: SAC, LOS ANGELES (9-6646) (RUC) (3)
 SUBJECT: UNSUBS;
 LARRY FLINT -
 VICTIM
 EXTORTION
 OO: Boston

Enclosed for Boston are the original envelope and note, the originals and one copy each of two FD-302s and agent's notes.

Boston is requested to present matter to the U. S. Attorney.

2 - Boston (Enc. 7)
 1 - Los Angeles
 JCA/dmg
 (3)

OFFICE COPY

Consolidated
Initials <i>M</i>
Date 8/16/84

Approved: _____

Transmitted _____

(Number)

(Time)

Per _____

FBI/DOJ

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1334555-1

Total Deleted Page(s) = 2
Page 6 ~ b6; b7C;
Page 7 ~ b6; b7C;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Complaint Form
FD-71 (Rev. 8-29-74)

NOTE: Hand print name legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases

Rev. [REDACTED]

INFORMATION CONCERNING

Character of case

MISC

Complainant

LARRY FLYNT Publications

Complaint received

☐ Personal ☒ Telephonic Date 10-5-79 Time

Address of subject

Complainant's address and telephone number

Subject's Description	Race	Sex	Height	Hair	Build	Birth date and Birthplace
	Age	<input type="checkbox"/> Male <input type="checkbox"/> Female	Weight	Eyes	Complexion	Social Security Number
	Scars, marks or other data					

Facts of complaint

C received letter dated Aug 30, 79
from subject giving his organization as
Adamic Knights of Klu Klux Klan.

Reference made to FBI wherein subject
stated the FBI approached him to take
part in the assassination of LARRY FLYNT,
Publisher of Heatter Magazine.

(note Address appears to be Penal Institution
in Vacaville.)

62-

Action Recommended

SA [REDACTED]

Sg 18

9-6660-1
SEARCHED
SERIALIZED
3 OCT 9 1979
FBI - LOS ANGELES

b6
b7C

b6
b7C

UNITED STATES GOVERNMENT

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION*Memorandum*

TO : SAC, Los Angeles (9-6660)

DATE: 11/13/79

FROM : SA [REDACTED]

SUBJECT: REV. [REDACTED]

[REDACTED] VICTIM;
LARRY FLYNT PUBLICATIONS-VICTIM
OO: Los Angeles

Re FD 71 of SA [REDACTED] dated 10/5/79.

On 11/6/79 [REDACTED] Larry Flynt Publications, 2029
Century Park East, Suite 3800, Los Angeles, California[REDACTED]
who appears to be in custody at [REDACTED]Inasmuch as the letter contains no threats it is
suggested that this matter be closed administratively.

Consolidated
Initials <i>m</i>
Date <i>8/17/84</i>

JCA
(1)

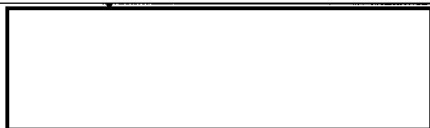
File Stripped
Initials <i>AD</i>
Date <i>11-13-79</i>

9-6660-2

SEARCHED	INDEXED
SERIALIZED	FILED
1979	
FBI — LOS ANGELES	



to:



b6
b7C

Thank you should
see this.

10

C

Field File No. 9A-6933-1A1

OO and File No. LA

Date Received 12-12-80

From [REDACTED]

[REDACTED]

[REDACTED]

By [REDACTED]

To Be Returned ☐ Yes Receipt Given ☐ Yes

☒ No

☒ No

Description:

Original notes re
interview of [REDACTED]

b6
b7C

3/28/81
del

12-12-80

LA 94-6933-1a1

b6
b7C

[redacted]
[redacted]
[redacted]
[redacted]
Army Flight Publications
2029 Century Park East
LA, CA. 556-9200

[redacted]
[redacted]
[redacted]
[redacted]
rec 12-8-80 in U.S. mail
delivery

a transmittal
who has written letters
to Army Flight Publications
in the past
6-8 letters

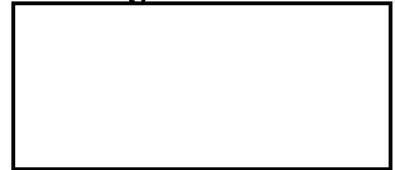
June 79 issue Beta + Piece
Page 17 a pictorial
which had previously
appeared in another publication
Book Reviews sec of interest to
readers
threats of a suit

first rec June 14, 1979. →

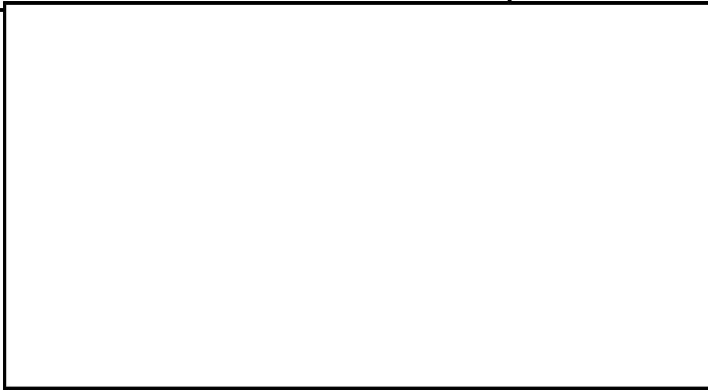
concern that "should beef up
their smoke detection system"



now



b6
b7C



Bets & Price Ed.
Managing Editor

same content & style as
letters rec from her in the
past.

- ~~unsequel~~ -

addresses



Company does not plan to respond.

Field File No. 9A-6933-1A2
OO and File No. LA
Date Received 12-12-80
From [REDACTED]

By [REDACTED]

To Be Returned ☐ Yes

Receipt Given ☐ Yes

☒ No

☒ No

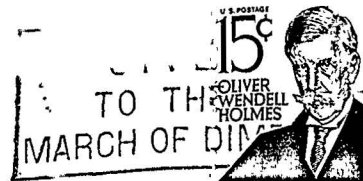
Description:

Original letter
Original envelope
Hustler memo
all rec 12-8-80

3/28/91
dk

b6
b7C

BITS AND PIECES
HUSTLER MAGAZINE
2029 Century Park East
Suite 3800
Los Angeles, CA. 90067



HUSTLER

INTER OFFICE

RECEIVED

DEC 8 1980

LEGAL DEPT.

b6
b7C

To:

From:

Re:

Here's another letter from There is a thinly veiled threat of arson in here and I think this info should be forwarded to and Security. Although her former letters have been postmarked from Hawaii, this letter is from San Francisco -- meaning she's back in the States. Please take the appropriate measures. Thanks.

b6
b7C

WE GIVE YOU FIRE: A man listed among the dead in the MGM Las Vegas fire, [redacted] was possibly a rock drummer by the same name who was in Euphoria, a 1965-rock band formed and named by [redacted] As is known to millions, [redacted] later changed sex by surgery to female and is now known as [redacted] [redacted] kept the Euphoria name after [redacted] quit in 1967 to work with then-unknown [redacted] and Euphoria released an album on Capitol, "Something for Everybody," in 1968. In 1972, MGM Records stole the name Euphoria and released an album by a dippy band using the name. [redacted] discovered this several years ago and has been publicizing it. [redacted] may have read about it and torched the MGM Hotel in revenge, dying in the holocaust. [redacted] has asked publications to check out the possibility and warned that "the offices of Hustler Magazine, Newcastle Publishers and the T.V. show 'Fridays' should beef up their smoke detection system. ~~Some~~ My fans are very wild. If [redacted] burned down the MGM Grand, I don't blame him a bit and view it as a heroic act against the exploitation of artists by major corporations."

HUSTLER MAGAZINE has continued to refuse to admit that it falsely led people to believe that as of 1979 [redacted] still had male sex organs. Hustler will eventually be fully discredited, [redacted] said. The TV show FRIDAYS used skit ideas she submitted without payment or acknowledgement, she said, including one about presidential candidates seeking the punk vote. She may sue, as well as sue NEWCASTLE's [redacted] and [redacted] [redacted] creators of the awful biographical magazine about her, for failure to pay royalties or let her approve of the photos they used. She also hopes to sue MGM for stealing the Euphoria name and said that musicians [redacted] of Love, [redacted] of The Mothers of Invention and Zevon could confirm her relationship with Euphoria. IMPERSONATOR NAILED: A Los Angeles gay was beaten up, questioned by police and fled back to California after he checked into the Waikiki Towers hotel under the name [redacted] claiming to be [redacted] who was registered in the Edgewater wing as [redacted] Other queens appear to be trying to exploit [redacted] nebulous fame and fuzzy public image. This one didn't succeed.

KIM DIES! TAO leader Kimberley Barriero-Elliott, active since 1972, reportedly died from a drug overdose in Miami in November. TAO leaders reportedly attended the funeral. Kimberly is discussed in Art Kleps' book "Millbrook," about [redacted] where she lived for a while. Kim denounced Hustler on [redacted] behalf last year.

MASTUMOTO KILLED: Keith "Keiko" Matsumoto, 19, who was preop, was dragged out of The Glade disco in Honolulu and beaten to death in an alley, apparently by a man and another transsexual. The man apparently jumped to his death a day later and the transsexual turned herself in, but was released for lack of evidence. Robbery was the apparent motive.

THE GLADE has halted female impersonator shows. ~~Its~~ "boys will be girls" revue had run for well-over a decade, but the area where the disco is located is now too dangerous to attract many patrons.

[redacted] of Euphoria is now apparently in Hawaii. A [redacted] Hawaiian Trio performs at the Kahala Hilton Hotel.

MAE WEST is dead, and some reporters are now insinuating that she was a female impersonator, which isn't news to most transsexuals, transvestites and homosexuals who have known about Mae for decades. Rest in peace, baby. You were the greatest, with the possible exception of Huntz Hall.

b6
b7c

b6
b7c

Honolulu Star-Bulletin

A Gannett Newspaper

© 1920 by Gannett Pacific Corp. All Rights Reserved

tions

HONOLULU, HAWAII

Saturday, July 12, 1930

23

July 24

Letter

Dire

Predictions

Earth, 2000: The federal government has released dire predictions for the world 20 years from now.

By 2020, they say, the earth's present population of nearly 7 billion will be over 10 billion. If the trend continues, the earth's population will be over 15 billion in 2040, and a mere 20 years away.

Free abortions, artificial birth control, euthanasia for the elderly, legalized cannibalism, government-sponsored

encourage artificiality, homosexuality have slowed down population growth in the United States, but have been offset by age-reversing treatments developed in the 1920s, and the loss of a youthful population.

Pointing its finger at organized religions for "obscuring" the truth, the government warned that "the human race is breeding itself out of existence."

Massive shifts of native populations on all continents, seeking food and resources, "now" completely out of control, the government added.

Greenland, once sparsely populated, has over 200 million inhabitants now, mostly from the overcrowded European nations, and the United States is now a predominantly Latin nation due to the huge migrations from Central and South America. Canada has become full of millions of expatriate Anglo-Americans, as is Australia — now a colony of China and Japan.

Although the carefully controlled population growth of the colonies on the moon and Mars will insure the survival of the human race, earth itself will probably become a dead planet within decades. Government computers now predict that large-scale nuclear war is absolutely inevitable and the pro-nuclear war movement is "rapidly gaining power."

President George Van Ness, the first homosexual ever elected to the office, placed the blame on "heterosexual breeders" and is strengthening laws against child-producing, already punishable by forced sterilization and exile to the food-producing slave camps in Africa and Canada.

an-icle

'Unconvertibles' Drive

Produced by the City of Honolulu.

Location: One block stretch of Paahi Street ending at Maunaloa.

Time: Dusk to Dawn.

No cover or minimum.

By Angela Douglas

THE PAHAHI STREET irregular production of "Unconvertibles" continues to be standing room only.

The cast of approximately 100 transsexuals and transvestites perform hula, striptease and pose like fashion models before a highly mobile, excited audience in a "drive-in" atmosphere.

Although the production lags on nights before pay days, the show is usually very fast-paced, particularly when certain vice cops are seen.

Comic relief is provided by several dozen Jesus Franks who hopelessly attempt to convert the

performers and audience, and by glue-sniffing locals impersonating sidewalk.

Most of the performers gladly give private performances for reasonable fees as well.

A mix of the best part of San Francisco's Tenderloin, old Hawaii, the sex fantasies of Hugh Hefner and the nightmares of Gloria Steinem, "Unconvertibles" is the best show in town.

Suggestions of changing it to drive past the show are being heard, but the concept of "Unconvertibles" will probably keep this from happening.

Born?

Are transsexuals made or born? Researchers have traditionally assumed that environment and upbringing determine gender identity, but a German researcher has recently found a biological basis in transsexualism.

Dr. Wolf Eichler of Munich outlined his recent gender identity breakthrough at the Fourth World Congress of Sexology held in Mexico City. Dr. Eichler's research team found that a genetic component called H-Y antigen, which is present in all normal male skin and serum tissue, is absent in males who wish to change sex. Transsexual women have the H-Y antigen.

This discovery may radically change methods of transsexual research, since no previous tests were able to discover genetic or hormonal abnormalities in transsexuals. Dr. Eichler's findings suggest that H-Y antigen may be the genetic component which determines the sex of embryos, and an H-Y antigen malfunction may decide whether individuals become discontented with their sex.

Complaint Form
FD-71 (Rev. 8-29-74)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases

UNSub;
Larry Flint Publication, aka
Hustler Magazine

Character of case

Complainant

☐ Personal ☒ Telephonic Date 12/10/80 Time 10:30 A

Address of subject

Complainant's address and telephone number

Subject's Description	Race	Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	Height	Hair	Build	Birth date and birthplace
	Age		Weight	Eyes	Complexion	Social Security Number
	Scars, marks or other data					

Facts of complaint

Complainant advised he is general Counsel for Hustler Magazine. Complainant stated a letter was received on 12/8/80 whereby the U.S. Mail was utilized and such letter was mailed from San Francisco, Ca on 12/6/80. The letter made reference to a publication and in the text of the letter was a statement that Captioned Magazine "should beef up their smoke detection system." Hustler believes this to be a threat inasmuch the U.S. mail was used. Hustler also has received other letters from UNSub. Hustler advised they had other info. which they did not wish to express over the telephone.

Action Recommended

9-6933-

SEARCHED	INDEXED
SERIALIZED	FILED
DEC 12 1980	
FBI - SAN FRANCISCO	

80:1A
call not

Complaint Form
FD-71 (Rev. 8-29-74)

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

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☐ Personal

☒ Telephonic

Date 12/10/80 Time 10:30 A

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Complainant's address and telephone number

Subject's
Description

Race

Sex

☐ Male

☐ Female

Height

Weight

Hair

Eyes

Build

Complexion

Birth date and Birthplace

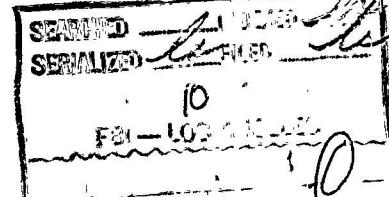
Social Security Number

Scars, marks or other data

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Action Recommended



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b7C

9-6933 -

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JAN 6 1
CH

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/18/80

[redacted] Larry Flint Publications, 2029 Century Park East, Suite 3800, telephone number 556-9200, was advised of the official identity of the interviewing agent and of the purpose of the interview.

b6
b7C

[redacted] stated his reasons for contacting the FBI were as a result of his company receiving what he considered to be a threatening letter which was received in the U. S. mail on December 8, 1980. [redacted] believes the letter, which was unsigned, was authored by [redacted] described [redacted] as a transvestite who has sent six to eight letters to his company in the past, the first of which was received on June 14, 1979. [redacted] complaint with the company is in regards to photographs of her published in the "Bits and Pieces" column of the June 1979 issued of "Hustler" magazine.

b6
b7C

[redacted] related the two photographs used had been previously published in a publication dealing with transvestites and was published in "Hustler" as a book review of interest to "Hustler" readers.

b6
b7C

[redacted] advised his company's concern with the most recent letter received was a reference to "the offices of Hustler magazine, New Castle Publishers and the TV show Friday's should beef up their smoke detection system."

b6
b7C

[redacted] stated [redacted] who is formerly known as [redacted] has threatened to sue "Hustler" magazine, however, has not done so. [redacted] believes that while the most recent letter is unsigned, the style and content of the letter are the same as those letters previously received from [redacted]

b6
b7C

Adelman related that in addition to himself, the following people touched the letter:

[redacted] Editor, "Bits and Pieces" column
Managing Editor
Secretary

b6
b7C

Investigation on 12/12/80 at Los Angeles, California File # Los Angeles 9A-6933
by SA [redacted] /dmg Date dictated 12/17/80

b6
b7C

2
LA 9A-6933

[redacted] advised his company has not responded to [redacted] letters nor does it plan to respond to the most recent letter. [redacted] believes [redacted] can be contacted if necessary at the Reef Hotel, Waikiki Beach, 750 Amana, Number 405, Honolulu, Hawaii.

b6
b7C

[redacted] then made available to SA [redacted] a white envelope addressed to Bits and Pieces, Hustler Magazine, 2029 Century Park East, Suite 3800, Los Angeles, California, 90067, postmarked "San Francisco, California, 941A2PM, 6 Dec 1980." This envelope contained a one-page typed letter beginning with "MOONSHADOW, the voice of Transexual Action Organization since 1970" and ending with "You are the greatest with the possible exception of Huntz Hall." The letter is typed on the back of a Xeroxed copy of the "Honolulu Star-Bulletin" dated Saturday, July 12, 1980.

b6
b7C

[redacted] also provided an interoffice memorandum from [redacted] to [redacted] regarding [redacted] dated December 8, 1980, in which the above letter is described as a "thinly veiled threat of arson."

RECORDED
DO NOT DESTROY SERIAL 2
Prior To JAN 1989
File No. 190-1561

9-6983-2
STG ls du
JAN 6
[Redacted Box] K

b6
b7C

FEDERAL BUREAU OF INVESTIGATION

1

Date of transcription 12/18/80

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b7C

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b6
b7C

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b6
b7C

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b6
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b6
b7C

[redacted] related that in addition to himself, the following people touched the letter:

b6
b7C

[redacted]
Editor, "Bits and Pieces" column
Managing Editor
Secretary

b6
b7C

Investigation on 12/12/80 at Los Angeles, California File # Los Angeles 9A-6933
by SA [redacted] /dmg Date dictated 12/17/80

b6
b7C

KW. 2 - Addressee
① - Los Angeles (9A#6933)

KDK/nlc
(3)

OFFICE COPY

9-4933-3

Class (by)
Qp
SEARCHED _____
SERIALIZED *ls*
FILED *ls*



In Reply, Please Refer to
File No.

UNITED STATES DEPARTMENT OF JUSTICE

FEDERAL BUREAU OF INVESTIGATION

11000 Wilshire Boulevard
Los Angeles, California 90024

January 9, 1981

Honorable Andrea Sheridan Ordín
United States Attorney
U. S. Department of Justice
U. S. Courthouse, Room 1269
Los Angeles, California 90012

RE: [REDACTED]

b6
b7C

Attention: AUSA John W. Spiegel

Dear Ms. Ordín:

This will confirm a conversation between Special Agent [REDACTED] of this office and Assistant United States Attorney John W. Spiegel of your office on December 23, 1980. Briefly, the facts discussed in this matter are as follows:

b6
b7C

Assistant United States Attorney Spiegel advised that his office had received a complaint from [REDACTED] General Counsel for Larry Flint Publications, 2029 Century Park East, Suite 3800, Century City, California, on December 10, 1980. [REDACTED] related his company had received through the United States Mail an unsigned letter which he believed was authored by [REDACTED] the contents of which he considered threatening.

b6
b7C

On December 12, 1980, Adelman was interviewed by Special Agent [REDACTED] wherein he advised that the letter in question, received on December 8, 1980, was one of between six and eight prior letters authored by [REDACTED]

b6
b7C

[REDACTED] stated [REDACTED] complaint with the company was with respect to two photographs published in the "Bits and Pieces" column of the June, 1979 issue of "Hustler" magazine. The two photographs used had been previously published in a publication dealing with transvestites and was published in "Hustler" as a book review of interest to "Hustler" readers.

b6
b7C

Assistant United States Attorney was furnished the original type written letter from Larry Flint Publications which was being maintained as evidence and informed that the companies concerned with the letter in question was the phrase "The officers of Hustler Magazine, Newcastle Publishers, and the T.V. show Fridays should beef up their smoke detection system."

Upon consideration of the facts in this matter as presented, Assistant United States Attorney Spiegel stated he would decline prosecution based on minimal Federal interest in addition to weak evidence to support a violation.

In view of the above opinion, this office will not conduct any further investigation.

Very truly yours,

E. N. Best

EDGAR N. BEST

Special Agent in Charge

By:

Supervisory Special Agent

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b7C

TELETYPE ROOM

DEC 15 5 07 PM '83

VZCZCWF0003

RR HQ LA

DE WF 0003 3500105

ZNR UUUUU

R 160006Z DECEMBER 83 'FM WASHINGTON FIELD OFFICE (9A-5068) (C)

TO DIRECTOR, FBI ROUTINE

FBIGN LOS ANGELES ROUTINE

BT

UNCLAS

LARRY FLYNT; EXTORTION; 00:LA.

RE LA TELETYPE, 11/17/83 AND BUREAU TELEPHONE CALL TO WFO,
11/18/83.

RE BUREAU TELCALL INSTRUCTED WFO PRESENT CAPTIONED MATTER TO
AUSA AT WASHINGTON, D.C. THIS MATTER WAS DISCUSSED WITH AUSA
[REDACTED] ON 11/22/83, AT WHICH TIME, HE WAS ADVISED OF THE
DECISION OF AUSA, LOS ANGELES, THAT NO FURTHER INVESTIGATION WAS
WARRANTED. [REDACTED] REQUESTED THAT U.S.S.S. BE RECONTACTED TO
DETERMINE WHAT INVESTIGATION HAD BEEN CONDUCTED BY THE SECRET
SERVICE AND TO WHAT EXTENT THIS MATTER WAS KNOWN WITHIN THE WHITE
HOUSE.

ON 11/30/83, U.S.S.S./WFO ADVISED THE SECRET SERVICE CONDUCTED
NO INVESTIGATION AND THE INFORMATION WAS NOT DISSEMINATED WITHIN

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Consolidated
Initials <i>M</i>
Date <i>8/14/84</i>

[Handwritten signature]
Close

9-6933-4
~~182-113~~

SEARCHED <i>[initials]</i>	INDEXED <i>[initials]</i>
SERIALIZED <i>[initials]</i>	FILED <i>[initials]</i>
DEC 15 1983	
FBI - LOS ANGELES	

PAGE TWO DE WF #0003 UNCLAS

THE WHITE HOUSE. ON THE SAME DATE, [REDACTED] REQUESTED [REDACTED]
[REDACTED] BE REINTERVIEWED TO DETERMINE IF SHE HAD ANY ADDITIONAL
INFORMATION.

ON 12/5/83, [REDACTED] WAS REINTERVIEWED BY WFO AT WHICH TIME
SHE ADVISED SHE HAD NO ADDITIONAL INFORMATION.

ON 12/6/83, [REDACTED] DECLINED PROSECUTION.

WFO IS PLACING CAPTIONED MATTER IN RUC STATUS.

BT

#0003

NNNN

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FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1334555-1

Total Deleted Page(s) = 1
Page 2 ~ b6; b7C; b7E;

XXXXXXXXXXXXXXXXXXXXXXXXXXXXX
X Deleted Page(s) X
X No Duplication Fee X
X For this Page X
XXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Complaint Form

NOTE: Hand print names legibly; handwriting satisfactory for remainder.

Indices: ☐ Negative ☐ See below

Subject's name and aliases

UM

UNSUB(S):

[REDACTED]

- VICTIM

LARRY FLYNT, - VICTIM

EXTORTION

OO: LA

Character of case

VCMO

Complainant ☐ Protect Source

Complaint received

☐ Personal ☒ Telephonic Date 01/12/1999 Time 2:00 pmAddress of Subject
unknown

Complainant's address and telephone number

Complainant's DOB

09/11/1945

Sex

Female

Subject's Description	Race	<input type="checkbox"/> Male	Height	Hair	Build	Birth date and birth place
	Age	<input type="checkbox"/> Female	Weight	Eyes	Complexion	Social Security Number
	Scars, marks and other data					

Employer

Address

Telephone

Vehicle Description

Facts of Complaint

Between 12/20/98 and 1/9/99, [REDACTED] at LFP, Inc. received telephone calls from an UM who threatened to kill her and LARRY FLYNT if they "went ahead with that thing on Monday." The threat presumably referred to the press conference LFP, Inc. held Monday to announce the results of its Congressional sex scandal. [REDACTED] received ten calls, two of which were recorded on the complainant's voicemail. Complainant made a tape recording of the calls, and the

[REDACTED] All of the calls may have been from the same UM: in the two recorded calls, the UM uses the same phrases.

On 1/11/99, [REDACTED] at LFP, Inc. received

srh
(1)

Do not write in this space.

9A-LA 217380-1

SA [REDACTED]

(Complaint received by)

CK STAMP

CPI - NONE
code - 09b6
b7Cb6
b7Cb6
b7C

another call from a man who called himself [redacted] and who said that "LARRY FLYNT is a dead man." Complainant contacted the local police, and they are investigating. Complainant is the Director of Human Resources at LFP, Inc.

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(01/26/1998)

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 02/17/1999

To: Los Angeles

From: Los Angeles

Squad C-1

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

lp

Case ID #: 9A-LA-217336 (Closed)

Title: UNSUB(S);

[REDACTED] - VICTIM;

LARRY FLYNT - VICTIM;

EXTORTION;

Synopsis: Investigation closed due to absence of interstate nexus exists; Beverly Hills Police Department handling investigation.

Details: Complainant, [REDACTED], who initiated the investigation via a telephonic complaint to FBILA, advised that the captioned victims had received threatening telephone calls at their publishing office, LFP, Inc., 8484 Wilshire Blvd., Beverly Hills. Complainant said that she and the captioned victims believed the calls were coming from within California but was not certain of telephone caller's identity. According to [REDACTED] Beverly Hills Police Department (BHPD), Detective [REDACTED], is investigating the matter. (BHPD Case Number, DR9900268).

Complainant said she was confident of BHPD's handling of the matter but wanted the FBI to be aware of the investigation. Complainant was advised to contact the FBI [REDACTED]

Based on the absence of an interstate nexus associated with the threatening telephone calls, FBILA sees no federal violation and has closed its investigation.

♦♦

EC 9 FNN

[Handwritten signature]
2/17/99
9A-LA-217336-2

[Redacted]
Harry C. Flynt

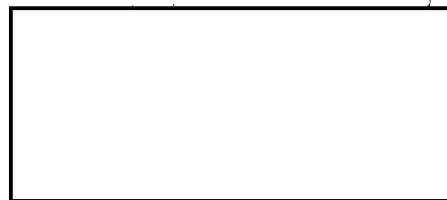
DBA Hustler Magazine - Victim

Extortion: Threatening Letters
thru U.S. Mail

OO: Dallas

~~OK 12-6-77~~
~~OE (A)~~
~~ov. DL~~
~~rm~~

9A-8605-1



LAW OFFICES

CABLE ADDRESS:
Trademarks

TELEX NUMBER

TELECOPIER

OF COUNSEL:

WRITER'S DIRECT DIAL NUMBER

OUR REF:

December 5, 1988

VIA MESSENGERED DELIVERY

*A PROFESSIONAL CORPORATION

FEDERAL BUREAU OF INVESTIGATION
11000 Wilshire Boulevard
Suite 1700
Los Angeles, California 90024
Attention: SQUAD C-1

Re: Death Threat

Dear Sir:

This office represents Larry C. Flynt and Hustler Magazine, Inc. ("Hustler"). Recently, Hustler received a letter from an individual purportedly named Dewi Champagne threatening the lives of Mr. Flynt and members of the Hustler staff. Pursuant to my telephone conversation of last week with your office, enclosed herewith please find the original letter, and the envelope in which it was transmitted, for investigation.

Due to the extremely serious nature of this threat, I would appreciate it if, as soon as a case officer is assigned to this matter, he would contact me and apprise me as to the progress of your investigation.

LAW OFFICES

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b7C

FEDERAL BUREAU OF INVESTIGATION
Squad C-1
December 5, 1988
Page Two

In the meantime, if I can be of any assistance, please
contact me at your convenience. Thank you for your prompt
attention to this matter.

Sincerely yours,

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b7C

JCW:knk
Encls/

cc:

Esq.

b6
b7C

LAW OFFICES

CABLE ADDRESS:

Trademarks

TELEX NUMBER

TELECOPIER

OF COUNSEL:

WRITER'S DIRECT DIAL NUMBER

OUR REF:

December 5, 1988

VIA MESSENGERED DELIVERY

LA PROFESSIONAL CORPORATION

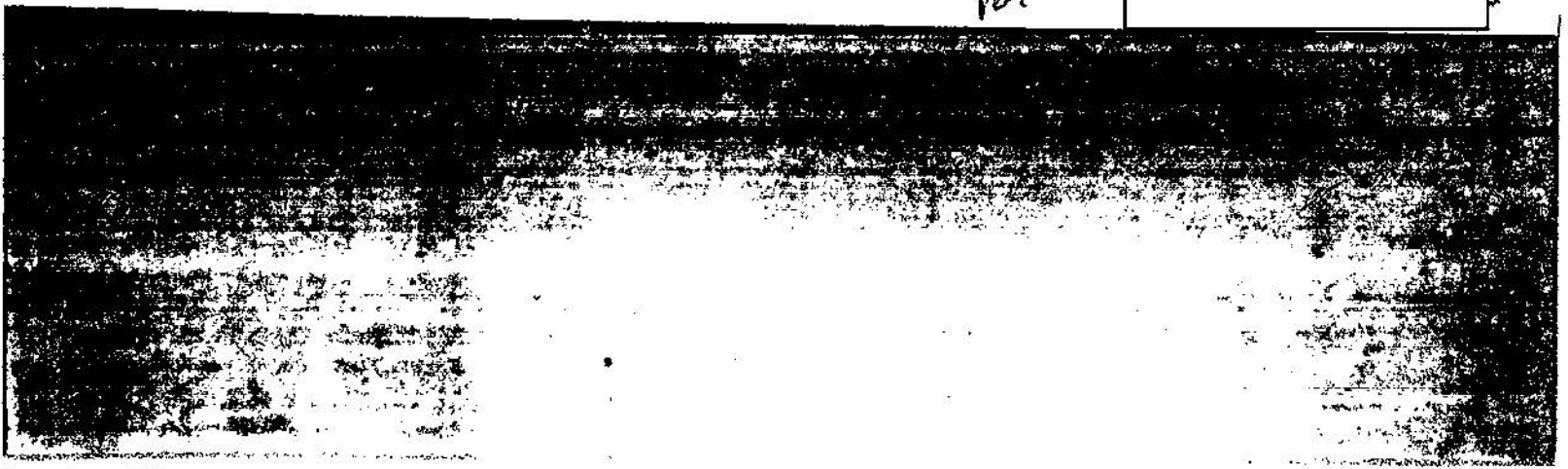
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W. C. Hunt
DBA *Hunter Magazine* - Victim
Extortion: *Threatening Letters*
 thru U.S. Mail

00: Dallas

O&A(A)
ov. DL
RM

9A-8505-1



(File No.)

9A-8505

94-8505-1a

SEARCHED ☒ INDEXED ☒
SERIALIZED ☒ FILED ☒
MAR 10 1989
FBI - LOS ANGELES

Field File No. LA 7A-2505-1a1

Serial # of Originating Document _____

OO and File No. DL 7A-4454

Date Received 2/2/83

From FBI, Dallas
(Name of Contributor)

(Address of Contributor)

(City and State)

By _____
(Name of Special Agent)

To Be Returned ☐ Yes ☒ No Receipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6(e), Federal Rules
of Criminal Procedure ☐ Yes ☒ No

Title: _____

Reference: DL airtel dated 1/13/83
(Communication Enclosing Material)

Description: ☐ Original notes re interview of

Original letter + envelope

b6
b7c

9A-8505-1a1

October 22, 1988

HUSTLER MAGAZINE INC.
9171 Wilshire Blvd., Suite 300
Beverly Hills, CA. 90210

Black Mood 2

9

Dear HUSTLER:

You really have a great magazine. Your photos are expertly done and your cartoons are always in good taste. I really like your December issue with the two cartoons "Punch 'O' Spook" and the cartoon with the Nigger with his pet. You know, that's one of the great freedoms we have in America. We can feel any way we chose about a certain group of people. I appreciate each and every one of you at HUSTLER for your creative ideas. If I am ever in a position to carry out my desire, I will line each person that's associated with HUSTLER starting with LARRY FLINT and all the way down to [redacted] and I will blow your motherfucking brains out. Men For the women I have something much better. I will get my .22 and strip each one naked and nail you to a cross and I would empty my .22 in your pussies. Then I would get my 12 gauge shotgun, put the barrell right on your forehead and pull the trigger and yell "I'm a Nigger."

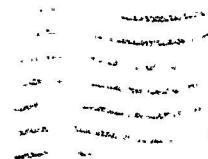
Sincerely yours,

[redacted]

DC:wm

PS: Tell [redacted] doctor he did a poor job.

b6
b7C



b6
b7C
LO

HUSTLER MAGAZINE INC.
9171 Wilshire Blvd., Suite
300 Beverly Hills, CA. 90210

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 12/9/88

TO : DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION - LATENT
 FINGERPRINT SECTION, PERSONAL CRIMES UNIT)

FROM SAC, LOS ANGELES (9A-8505) (C-1) (P)

SUBJECT:
 LARRY FLYNT, dba
 HUSTLER MAGAZINE - Victim;
 EXTORTION;
 OO: Dallas

Enclosed for the Identification Division - Latent Fingerprint Section, are an original envelope and letter addressed to "Hustler Magazine Inc., 9171 Wilshire Blvd., Suite 300, Beverly Hills, CA 90210." Enclosed for the Personal Crimes Unit and Dallas are two copies of the same.

The enclosed letter was received recently by HUSTLER MAGAZINE, and was delivered to the Los Angeles Office by a law firm which represents LARRY FLYNT, publisher of the magazine. The letter is self-explanatory, and was apparently mailed by

REQUEST OF THE BUREAU

The Identification Division - Latent Fingerprint Section is requested to process the original envelope and letter for any latent prints of value.

- 4 - Bureau
 (2 - Identification Division) (Enc. 1)
 (2 - Personal Crimes Unit) (Enc. 2)
 2 - Dallas (Enc. 2)
 ② - Los Angeles

DGI/el
 (8)

- 1 -

Approved: _____ Transmitted _____
 (Number) (Time)

Per _____
 SEARCHED _____
 INDEXED _____
 SERIALIZED _____
 FILED _____

b6
 b7C

b6
 b7C

9A-8505-2
SEARCHED

INDEXED

SERIALIZED

FILED

LA #9A-8505

LEADS

DALLAS DIVISION

AT TYLER, TEXAS: Locate and interview subject regarding the enclosed threatening letter.

LOS ANGELES DIVISION

AT LOS ANGELES, CALIFORNIA: Contact officials at HUSTLER MAGAZINE to determine if subject is known, or has written any such letters previously.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ AIRTEL

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/12/89

TO: DIRECTOR, FBI
 (ATTN: IDENTIFICATION DIVISION -
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454) (P)

SUBJECT: 9A-8505* 12/88

LARRY FLYNT, dba same
 HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to Director and Dallas dated
 December 9, 1988.

Referenced airtel stated that the original envelope and
 letter in this matter was enclosed with referenced airtel for
 Identification Division - Latent Fingerprint Section. However,
 Los Angeles Division inadvertently sent original to Dallas.
 Dallas Division had decided to maintain custody of the original,
 pending a prosecutive opinion by the UNITED STATES ATTORNEY'S
 OFFICE, Eastern District of Texas, Tyler, Texas. If prosecution
 in this matter is approved by the UNITED STATES ATTORNEY'S
 OFFICE, the original letter will be forwarded to Identification
 Division at that time.

Dallas will advise the Bureau and Los Angeles of the
 status of this case.

2 - Bureau
 2 - Los Angeles
 2 - Dallas
 JB/dli
 (6)

9A-8505-3

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
JAN 2 1989	
LOS ANGELES	

D.

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

DL 9A-4454

LEADS

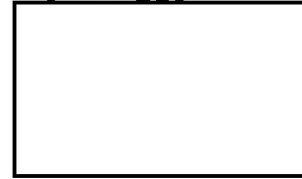
DALLAS DIVISION

AT TYLER, TEXAS

Will present this matter to the UNITED STATES ATTORNEY'S
OFFICE for a prosecutive opinion.

71A-8505-4

SEARCHED	INDEXED
SERIALIZED	FILED
✓-1	



b6
b7C

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/13/89

TO: DIRECTOR, FBI
 (ATTENTION: IDENTIFICATION DIVISION,
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454)(C)

SUBJECT: [REDACTED] 9A - 85057 12/88
 LARRY FLYNT,
 dba HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to the Bureau and Dallas
 dated December 9, 1988.

Enclosed for Los Angeles (Package Copy), is an
 original envelope and letter addressed to "HUSTLER MAGAZINE
 INC., 9171 Wilshire Boulevard, Suite 300, Beverly Hills,
 California, 90210".

For the information of the Bureau and Los Angeles,
 referenced airtel advised that it contained for
 Identification Division, Latent Fingerprint Section, the
 original envelope and letter which was sent to captioned
 victim. However, the letter and envelope were inadvertently
 forwarded to Dallas. Dallas is returning the letter and
 envelope to Los Angeles for return to the victim, as this
 matter was discussed with Assistant United States Attorney
 (AUSA) [REDACTED] Eastern District of Texas (EDT), Tyler,
 Texas, who advised that the UNITED STATES ATTORNEY'S OFFICE
 would decline prosecution in this matter because of the
 lack of prosecutive merit due to the fact that the threat

15-7
 2 - Bureau
 2 - Los Angeles (1 - Package Copy)(Enc. 2)
 1 - Dallas
 JB/kdm
 (5)

Approved: _____ Transmitted _____ Per _____
 (Number) (Time)

DL 9A-4454

in the letter is conditional.

In the event Los Angeles Division is able to obtain a commitment to prosecute in Los Angeles, Dallas will locate and interview subject.

[REDACTED] Dallas office indices negative regarding [REDACTED]

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As there is no further investigation within the Dallas Division at this time, Dallas is placing this case in a closed status.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/13/89

TO: DIRECTOR, FBI
 (ATTENTION: IDENTIFICATION DIVISION,
 LATENT FINGERPRINT SECTION,
 PERSONAL CRIMES UNIT)

FROM: SAC, DALLAS (9A-4454)(C)

SUBJECT: [REDACTED] LARRY FLYNT,
 dba HUSTLER MAGAZINE - VICTIM;
 EXTORTION
 OO: DALLAS

Re Los Angeles airtel to the Bureau and Dallas
 dated December 9, 1988.

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2 - Bureau
 ② - Los Angeles (1 - Package Copy)(Enc. 2)
 1 - Dallas
 JB/kdm
 (5)

Approved: _____ Transmitted _____
 (Number) (Time)

9A-8505-4

SEARCHED	INDEXED
SERIALIZED	FILED
GPO : 1987 000 193-749	
FEB 02 1989	
FBI - LOS ANGELES	



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No. LA 9A-8505

11000 Wilshire Boulevard
Los Angeles, California 90024

March 13, 1989

Honorable Robert C. Bonner
United States Attorney
1200 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

Re: [REDACTED]

Larry Flynt, doing
business as, Hustler
Magazine - Victim,
Extortion

b6
b7C

Dear Mr. Bonner:

This letter is to confirm a conversation between Assistant United States Attorney (AUSA) [REDACTED] and Special Agent [REDACTED] of the Federal Bureau of Investigation (FBI) Office in Los Angeles, on March 10, 1989, during which conversation AUSA [REDACTED] was advised of the following.

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On December 6, 1988, the Los Angeles FBI Office was contacted by an attorney representing Larry Flynt, the publisher of Hustler Magazine, 9171 Wilshire Boulevard, Beverly Hills, California. The attorney provided a copy of a letter which was signed by a Dewi Champagne who gave a return address on the envelope of P. O. Box 7661, Tyler, Texas, 75712. In the letter, which consists of one paragraph, the writer makes specific threats against Larry Flynt and other members of the Hustler publishing staff. The threats were reportedly made because of a cartoon which appeared in the December, 1988 edition of Hustler Magazine.

Because the letter was mailed from Tyler, Texas, the Los Angeles FBI Office advised the Dallas FBI Office and requested they conduct appropriate investigation. The FBI Office in Dallas presented the case to Assistant United States Attorney Jeff Strand, Eastern District of Texas, who declined prosecution stating the case lacked prosecutive merit. The Dallas Office

- 1 - Addressee
① - Los Angeles (9A-8505)

DGI/faa
(2)

AIC
3-13-89
CLOSE
#5
J

9A-8505-5
SEARCHED _____
INDEXED _____
SERIAL _____
FILED _____

advised that if prosecution could be authorized in the Central District of California, they would attempt to locate and interview the subject.

AUSA [redacted] agreed with the opinion rendered by the AUSA in Dallas, and stated he would not authorize prosecution citing a lack of prosecutive merit. However, he noted that he would reconsider this opinion should additional letters be received.

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Sincerely yours,

LAWRENCE G. LAWLER
Special Agent in Charge



[redacted]

Supervisory Special Agent





Memorandum

To : SAC, LOS ANGELES 145C-

Date 4-17-89

w/ [Signature]
From : FBI CV 145C-1058Subject : (LARRY FLYNT,) 9A-8505 * 12/88 ☒ RUC☒ File Destruction ProgramBEVERLY HILLS, CALIFORNIA
ITOM - SEXUAL EXPLOITATION
OF CHILDRENEnclosed are 1 items.

These items are forwarded your office since:

☐ All logical investigation completed in this Division☒ You were OO at the time our case was RUC'd.

Enclosures are described as follows:

1 FD-302

LA 9A-8505-6

SEARCHED <input checked="" type="checkbox"/>	INDEXED <input checked="" type="checkbox"/>
SERIALIZED <input checked="" type="checkbox"/>	FILED <input checked="" type="checkbox"/>
APR 21 1989	
FBI - LOS ANGELES	

Enc.

NOTE: DO NOT BLOCK STAMP ORIGINAL ENCLOSURES.

FEDERAL BUREAU OF INVESTIGATION

Date of transcription 12/12/83

[redacted]
telephonically contacted the interviewing Agent through the Cleveland, Ohio office of the Federal Bureau of Investigation (FBI) at approximately 12:00 noon. [redacted] was advised of the identity of the interviewing Agent.

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[redacted] advised that a phone conversation on December 9, 1983 between himself and the interviewing Agent had been tape recorded by his roommate. [redacted] could not give a reason that the call was tape recorded, but as it concerned Larry Flynt, Hustler Magazine owner, it could be that Flynt will have access to it.

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[redacted] further advised that [redacted] had been in [redacted] and that he had spoken to her. [redacted] told [redacted] that Flynt had threatened her by saying that she could turn up missing. [redacted] could give no reason for this threat. He said that [redacted] told him that she would be returning to Los Angeles shortly and would be seeing Flynt again.

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Investigation on 12/11/83 at Toledo, Ohio File # Cleveland 145C-1058
by SA [redacted] :nml Date dictated 12/12/83

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